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Cheap Government Is Not Necessarily Good Government

FOR many years the goal of the forces of good government has been to rid public service of the rogues and rascals. But unscrupulous politicians are not the only obstacles to good government. Unimaginative or diffident planning, unbusinesslike management, mediocre personnel, and penurious financing lay as heavy a hand on good government as do venal politics.

For the citizen the low level of government these administrative obstacles produce is hardly better than corruption itself. The human aims of government—safeguarding health, educating children, and administering justice—suffer under both types of poor government. But it is more difficult to root out mediocrity, because it is less dramatic and less naked.

Fortunately, better techniques of government, such as long-range planning, sound management methods, career professional service, sensible working conditions which enable skilled public servants to do the job for which they are hired, and more realistic financing are becoming more and more of a reality. Cheap government is not necessarily good government.

For most people, the dominating feature of crime and delinquency is violence, and their response to it is charged with emotion. How much of this is attributable to fear or to their vicarious guilt, no one knows. At any rate, the magnitude of crime and delinquency demands a rational, sensible approach—in fact, the best that government can achieve.

Judges, probation and parole administrators, and citizens must do more than sit *around* the table together. The public servants must get the problem of the administration *on* the table, facing the strengths and weaknesses of their programs with

the fullest facts obtainable and bringing to bear on the problem their best knowledge and experience. The citizens have an equal obligation to decide what kind of public service is required and to give their fullest support to secure it.

Responsibility of government "management" and "stockholders" must be shared the year round, and year in and year out. Discharging this responsibility requires informative, not defensive, reporting to the public; advisory committees which function regularly and actively; joint fiscal planning; and through it all a common dedication to the central objective—good government in the administration of justice and corrections.

A great deal of writing has been published on the importance of the probation-parole officer's work and on correctional treatment concepts and practices. But relatively little has been written about the day-to-day conditions under which the officer does his job and which so vitally affect the quality of his work.

This issue of the JOURNAL deals with the officer's working conditions. It is concerned with the following questions:

What kind of work does the probation-parole officer do?

What kind of education, training, and personality makes him specially qualified for this work? Is there an insistence on qualifications to make sure that the best candidates will be chosen?

What brings the candidate to the probation-parole field in the first place? What conditions induce him to remain or compel him to leave?

What are the ways in which he is appointed? What is the result of politically influenced appointments? To what extent are religion, race, or nationality factors in appointment or disqualification?

How does the size of his caseload affect his morale, his endurance, his competence?

What kind of income has he had; what is his income now; what is it likely to be? What is his status in the community and among other professions?

Do his office and waiting room promote respect for the dignity and authority of his position?

In short, what sort of working life does he lead, and, as an important consequence, how do the conditions under which he functions affect him, the work he is supposed to do, the agency, the probationer or parolee, and the public?

Though they may seem undramatic, working conditions are integral parts of effective or ineffective public service. They warrant positive consideration by officials and taxpayers alike because bad, mediocre, or good conditions determine whether we shall have bad, mediocre, or good government in the administration of justice in America today.

—WILL C. TURNBLADH

Probation and Parole Officers at Work

A Job Analysis

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THE great tradition of Anglo-American justice, with its deep concern for the rights of individuals, provided a favorable climate for the legal-social invention we term probation. Its essential philosophy is that rehabilitation rather than punishment should be the goal of criminal justice.

Legal Origins

From the legal standpoint, probation procedures are invariably statutory. Although the practice of withholding execution of sentence and "placing the case on file" was common in some early courts, there appears to be little precedent in common law for the development of probation. History records that the concept of probation was born in the courts of Massachusetts, where it was given statutory life during the latter half of the nineteenth century. Elsewhere, legislative bodies, influenced by humanitarian ideals and spurred on by courts and bar associations, enacted statutes which provided for suspending the imposition or execution of sentence followed by probation.

The intent of state and federal legislators was not to make probation a form of leniency, an act of mercy, or a matter of clemency. Rather, it is a substitute for imprisonment which, if properly administered, protects the community and, at the same time, provides an opportunity for rehabilitation of the offender. Chief Justice Hughes said, in *Burns* v. *U.S.*, "The Federal Probation Act confers an authority commensurate with its object. It was designed to provide a period of grace in order to aid the rehabilitation of a penitent offender; to take advantage of an opportunity for reformation which actual service of the suspended sentence might make less probable." The federal statute itself states that the probation officer "shall use all suitable methods, not inconsistent with the conditions imposed by the court, to aid persons on probation and to bring about improvements in their conduct and condition."

Parole, in contrast to probation, provides for the release of an offender after sentence to confinement but prior to full expiration of sentence. Although its legal origins are not quite so clear-cut, it too is invariably a statutory device which reflects the same basic philosophy of rehabilitation during a period of conditional liberty.

It is clear, therefore, that the intent of probation and parole statutes is to establish a treatment situation in lieu of imprisonment, during which efforts can be made by competent probation and parole officers to rehabilitate offenders. Despite the occasional practice of suspending sentence and re-

leasing an offender on good behavior, and the sporadic use of the indeterminate sentence and release of prisoners on parole, it was not until the beginning of the twentieth century that these new legal devices became widely known and incorporated in state and federal statutes.

Those of us engaged in the administration of probation and parole are therefore working at a relatively new and frequently misunderstood occupation. Any new vocation is liable to misunderstanding, and must pass through a period of trial and error during which it defines its objectives, describes its functions, develops a methodology, and establishes qualifications and standards of performance for its practitioners. The emergence of probation and parole as an occupation professionally identified with the field of social work is one of the significant developments of recent years. We can, I believe, now identify the basic components of our work.

Some time ago, at an in-service training session, our Chief Judge said: "Probation officers have tremendous responsibilities in that they must combine the abilities of an administrator, a social investigator, on occasion an enforcement officer, and above all a personal and family counselor." It seems to me that this statement summarizes our essential functions. Let us consider them, one at a time.

Administrative Role

Probation and parole officers have had unusual administrative responsibilities because of the newness of their occupations and the relative absence of well-developed administrative traditions. This is particularly true of probation. Reviewing the development of probation, one is struck by the fact that about all probation officers have had to guide them in their duties has been a statute and the nominal counsel of busy judges. Until recently, few courts had any administrative control other than a chief probation officer, who was usually too busy to do more than see that the general concerns of the court were carried out. Larger courts have gradually added more administrative and supervisory services, but even today, in hundreds of outlying courts, the probation officer himself is almost solely responsible for the manner in which he administers the details of his job. To a lesser extent this has also been true of parole officers, who traditionally were attached either to an institutional board, which perforce had little knowledge or experience in the actual field operation of parole, or to a state parole board, whose members came and went with the vicissitudes of politics. Thus it has been incumbent upon the probation or parole officer to originate much of the administrative procedure which governs his work.

One of his major administrative tasks has been to learn how to organize his time. If he doesn't, his working day will be consumed by an endless stream of emergency errands. The court or parole board must cooperate; if it adds to his job numerous errand-boy duties, mechanical courtroom functions, transporting prisoners, etc., the time left for actual counseling and casework with probationers or parolees will allow for but a token service.

From an administrative point of view, the duties of a probation officer can be divided into two general categories: first, the preparation of presentence and preparole investigations; second, the day-to-day supervision of probationers and parolees. In the federal courts, Rule 32 of the Federal Rules of Criminal Procedure pre-

scribes that: "The probation service of the court shall make a presentence investigation and report to the court before the imposition of sentence or the granting of probation unless the court otherwise directs." (Similarly, prerelease field investigations are required by the federal parole board prior to the paroling of prisoners.) Completing presentence investigations requires sufficient time to investigate thoroughly such areas as prior record and the social, economic, and mental history of the offender.

The officer must, therefore, be able to allocate a proper portion of his time to the work of social investigations, and a proper portion of his time to the actual supervision and counseling of probationers and parolees. He must keep in mind that the ultimate justification for his service in the community is the degree of rehabilitation and readjustment which can be accomplished among offenders released to his supervision. He must, therefore, so divide his work that a substantial percentage of his time can be spent in counseling and rehabilitative efforts. Numerous practical aids can be suggested: scheduling time for interviews so that he is in the office on certain days, and making this information a matter of general community knowledge; planning his itinerary so that he can make weekly or monthly visits to various parts of his district in the most economical and efficient way possible; properly using notebooks, card files, or other devices for keeping track of his cases. Probation officers should also develop a list of resources to be consulted for assistance on specific problems—for example, employment bureaus, welfare services, and medical, educational, and recreational facilities. A close working relationship with law enforcement agencies must be cultivated.

In addition to organizing his work, the officer must learn to make the most efficient use of each portion of his time. He must learn to classify his caseload, to evaluate each case in relation to the need for follow-up on family, employment, or other problems. Some specific method for classifying the caseload is desirable. The "ten-point cases," which appear to need more intensive supervision, can be flagged, distinguishing them from the "two-point cases," which may need only minimum supervision.

Another administrative technique he must develop is the keeping of adequate records. Statistical data and records of the actual contacts, significant developments, and summaries of casework counseling should be maintained. It is particularly important for all officers to record changes and problems that arise in each case to guide themselves in future supervision, or to guide other officers when a case is transferred. There is a great need for research in the field of probation and parole to determine what goes on in actual practice, and to evaluate the response of probationers and parolees to this performance. Good records are essential to research.

It goes without saying, of course, that administrative skill will be of little avail if courts or parole agencies do not select qualified officers, do not pay adequate salaries, do not provide sufficient office space and stenographic assistance, compel staff to perform irrelevant duties, or fail to augment staff when caseloads become excessive.

Investigative Role

The second major role of the probation officer is that of social investigator.

If the judge is to arrive at an equitable sentence or disposition, there is no substitute for comprehensive and

adequate information about the offender. The probation officer must, therefore, develop an ability to assemble the significant facts of the offender's career.

The focus of the probation officer in preparing a presentence report is not upon *what* the offender did but rather on *why* he did it, and whether he is a suitable risk for release in the free community. The probation officer is never a prosecutor. He is not expected to evaluate the evidence concerning the offense committed; he should focus on the offender's personal background and the reasons for the commission of the offense. In the light of this information, he should then evaluate the offender with regard to his suitability for probation.

The investigative skills of the probation officer will, therefore, be far different from those of the police officer or special investigator assigned to determine who committed the crime and how it was committed. The probation officer not only must investigate the facts of the offender's early life, family situation, employment record, school adjustment, marital situation, and social adjustment, but must be able to evaluate these factors in relation to each other. He must be able to separate prejudiced statement and innuendo from responsible statement and fact; he must develop skill in probing beneath the surface defenses of the offender to get at his real hopes, ambitions, hostilities, fears, and frustrations.

The presentence investigation, of course, begins with the offender. I stress this because I have seen some reports in which everyone but the offender appears to have been consulted. Such a report cannot furnish a true picture of the offender's personality and his specific attitudes and ambitions. The good presentence report reflects the officer's ability to get at the innermost feelings of the probationer, his attitude toward the offense, his attitude toward his family, his ability to face issues, his sense of self-respect, his capacity to plan with the probation officer toward a reasonably acceptable goal should probation be granted.

At the conclusion of his presentence report, the officer should present a final evaluation to the court indicating whether he thinks this person is a good, fair, or poor risk for probation. When confinement is indicated and there are alternatives in confinement resources, such alternatives should be noted.

The presentence report should be sent to the confinement institution when an offender is committed. I realize that there are many practical problems here, particularly in states which have no integration of probation and parole services. However, merely to file a presentence report without referring it, or a summary of its content, to the confinement institution at the time of imprisonment is highly inefficient.

Conducting a presentence investigation should be regarded as far more than a mere investigation of facts. During this process, rehabilitation can be begun: the offender is usually willing to talk with the officer, and helping him to face reality, to analyze his own attitudes, and to evaluate his own capacities may be highly therapeutic.

Law Enforcement Role

Third in the roster of the probation officer's four roles is that of enforcement officer. During the early development of probation and parole there was much controversy over the basic function of the officer. The parole officer and, often, the probation officer

as well, was thought of primarily as a watchdog, a special kind of police officer who was admonished by the court or parole board to see that probationers and parolees adhered to certain rigid conditions and that violations were reported. As probation and parole matured and as administrative experience was gained, this role became less prominent. Inevitably an aspect of enforcement enters the work of the officer, since there is an inherent requirement that the probationer or parolee adhere to certain specified conditions and maintain contact with the probation or parole office. By every definition, probation or parole connote some restrictions on freedom and it has been customary for courts and paroling authorities to specify in a semicontractual agreement with the probationer or parolee the terms on which his release to the free community is based. Obviously, the officer, as the agent of the court or the paroling authority, must fulfill his legal obligations by informing probationers and parolees about the limits of their freedom and, of course, apprising the court or parole board of violations.

It is extremely important for officers, courts, and paroling authorities to explain carefully to the probationer or parolee what conditions are involved at the time he is awarded this legal status. Conditions should be regarded as aids to successful adjustment rather than as punitive restrictions. Today courts and paroling authorities are moving away from long lists of specific prohibitions and restrictions. At one time, conditions were couched largely in terms of negatives, and many such lists are still in use: probationers are required to be in at certain hours, are forbidden to touch intoxicating liquor or to frequent places where it is sold, are forbidden to own cars, to get married, to leave town, or to participate in a variety of similar activities. Some of these restrictions are unenforceable. The current trend is to frame conditions in positive terms: probationers are expected to support their dependents, are encouraged to work steadily, are expected to live law-abiding lives, and are to confer with their probation or parole officers on all decisions of a basic nature.

A much more realistic standard for the degree of compliance one can expect has also developed. Codes of conduct vary in different economic, cultural, or religious milieus, and both the individual's background and his particular situation must be taken into account in setting conditions which govern conduct rather than legal behavior. For instance, the alcoholic offender must be steered away from the use of alcohol. But, is it realistic to forbid the use of alcoholic beverages by all probationers in a society which equates the bottle of bourbon with "the man of distinction?" Likewise, is it realistic to forbid a probationer or parolee to own or operate an automobile when his occupation requires him to use one—particularly when it has not figured in his offense?

Many courts and paroling authorities are therefore framing general conditions, relying upon the specific case situation to formulate specific conditions.

A long list of specific prohibitions was, I believe, characteristic of the era when probation and parole officers were largely untrained, when the service was new and it was thought that human behavior could be controlled by a list of prohibitions. Courts and paroling authorities have discovered that improved selection of probation officers makes it possible to place more discretion in their hands,

and that casework services are more effective than mechanical rules.

Probation officers are not police officials; they are not trained in the handling of arms, in arrest techniques, or in the return of offenders to confinement. It is true that in some jurisdictions probation and parole officers must still perform these police functions, but I believe that this use of their time is neither proper nor efficient. On rare occasions, it may be desirable and necessary for a probation officer to employ his power of arrest, but in general the police, trained in the techniques of detection, arrest, and transportation of offenders to confinement should handle these tasks. I am opposed to policies which require probation and parole officers to carry arms or devote substantial time to surveillance. From its beginning, the federal probation and parole system has had a philosophy of service rather than surveillance. This does not mean that the realities of probation or parole failure are of any less concern. On the contrary, the conscientious officer is deeply concerned about violations of probation. He fully accepts his responsibility to the court for carefully documenting facts in alleged violations of conditions or collateral violations of the law by probationers or parolees. When necessary, he testifies freely in court as to the probationer's activities, behavior, and quality of adjustment while under supervision. This is a part of the officer's job which cannot be delegated, and in this respect, he is an enforcement officer with a clear-cut responsibility to the court.

Perhaps if we analyze the total system of criminal justice we can make clear the difference between (a) keeping the court apprised of alleged violations and testifying, if need be, on the conduct of probationers and parolees, and (b) the police function—i.e., responsibility for apprehending, arresting, and returning violators to prison. Let us consider criminal justice, like "all Gaul," as divided into three parts: *law enforcement*, *judicial determination*, and *correctional treatment*. The first, law enforcement, is the special province of the police; the second, judicial determination, is the special province of the courts; and the third, correctional treatment, is the special province of probation, parole, and penal or correctional institutions. These areas overlap and are interdependent. Nevertheless, the roles of the individuals responsible for each can be clearly identified; unquestionably, the central function of the probation or parole officer belongs in the area of correctional treatment.

Role as Counselor and Caseworker

The fourth and most important role of the probation officer is that of friendly counselor, caseworker, or guidance officer. To fulfill it, he must understand the nature of social work and be equipped to serve as a caseworker for the court or parole board. In Great Britain—and a good many other countries—probation and parole officers are officially termed social workers for the court or paroling authority. Here in the United States, lacking a specific professional tradition in the training of probation and parole officers, some controversy developed as to what constituted the best kind of training—law, criminology, police science, or social work. The trend is toward the methods of social work. After all, much of what we are engaged in is what Karl DeSchweinitz long ago termed the "art of helping people out of trouble." Obviously, nearly all the people we deal with are in trouble, serious trouble indeed! They need help, most of them want help, and the skill of the probation officer in

meeting their needs will often contribute to the success or failure of their adjustment. Whether we call it social casework, probation counseling, or something else, the important and fundamental issue is the development of skill in the handling of individuals who through social or emotional maladjustment have broken the law.

We know from our recent discoveries in the entire area of human behavior that human beings are more complex and motivation is less simple than was once thought. The problems of adaptation to our high pressure, competitive culture require keen understanding. If we are to counsel our probationers properly, we must recognize and cope with their fundamental human needs. Each of them needs regular employment and adequate income with which to support his family. Each has the need for friends, for prestige, and a sense of importance. Much delinquency and crime appears to be the result of frustration, either symptomatic of an inability to cope with life or a form of striking out against a world which seems to the offender to be against him, to have deprived him of security or affection, and to require that he fight for his survival.

The core of the officer's job is to deal with these needs. Must not an evaluation of this aspect of his performance be primary? If he is to be successful in helping his probationers and parolees meet their emotional, social, and economic needs, he must develop specific skills for understanding and modifying human behavior. He must know something about the dynamics of chronic frustration, fear, and despair. He must be thoroughly aware of the social milieu and the group pressures which mold behavior.

In her recent book on professional education Charlotte Towle describes the three-fold nature of casework: First is the effort to help the individual deal with overpowering stresses, second is the use of our skill to remove the stresses, and last is the application of our knowledge and experience to prevent the recurrence of stress.[1] Despite the framework of authority in which we work, casework skill does get results and has become common practice in many jurisdictions.

Space does not permit a detailed analysis of casework. However, a brief case illustration may be helpful. Recently a parolee appeared in our office in an obvious state of acute anxiety. He was making his initial report and in his interview with an officer some of the reasons for his anxiety were discussed. He had no family attachments; he was a stranger in Chicago, released there because of strong community opposition to his return to a small town downstate. He had an employment offer in the meat-packing industry, but the tremendous complexities of the great city—its complicated transportation, fast traffic, and confusion of busy streets and crowds of people—had upset him. He was virtually immobilized and felt that he would get lost trying to find his place of employment. He had other problems: Although he had had a social security card when he entered prison, he could not find it among his belongings when he got to Chicago. He had also been advised by the institution that he must register for the draft. And, to further complicate matters, he had a chronic medical problem which needed treatment. He was terrified at the difficulties of securing a social security card, and registering for the draft seemed a major obstacle to him. He didn't know what to do first.

[1] Charlotte Towle, *The Learner in Education for the Professions*, University of Chicago Press, 1954, p. 398.

The officer listened to him patiently, reassured him about his willingness to help in all possible ways, then outlined carefully how he could tackle one problem at a time. First of all, he was given instructions on how to get a new social security card, including a rough map of the exact way to get to the social security office. The address of the draft board nearest his residence was secured and he was instructed on how to reach this office. An appointment was made at a clinic, with which treatment for him had already been discussed. The officer found that one of the main anxieties contributing to this man's confusion was his fear that if he did not immediately get the job which had been planned for him, he might lose his parole status. The officer called the employer and arranged for deferment of the date of this man's appearance until he got his social security card, draft registration, and medical examination. Here were practical ways to relieve some stresses.

Many other anxieties and personal fears came out in a discussion of the implications of parole with this individual. Like most men released from prison, he had heard all kinds of wild rumors about a parolee's difficulties in general and the hard-boiled attitude of parole officers in particular. The officer's concrete services to this man—listening to his story and showing genuine understanding—got a response of great relief. The parolee expressed his feeling that now he thought he could meet his problems, but might be back in the office several times within the next few days. He was encouraged to come in at any time and, if his officer was not there, to talk to one of the other officers about any problem which might come up during this critical beginning of his parole period.

As supervision continued, more profound problems—the absence of family ties, the relationship between his health and his job adjustment, and his periods of discouragement—had to be met. But perhaps this simple illustration of initial casework service and the developing of a positive relationship best demonstrates the kind of approach which, in the long run, will prove most effective in the job of probation or parole officer.

One could, of course, cite other cases of a different sort in which the officer's best intentions, hard work, and skill have failed. We are well aware that some probationers and parolees do not respond, that we do not yet know enough about their behavior problems to direct them to normal, conforming, satisfying lives. There is also the fringe group of the "parole-wise," who maintain superficial compliance with the conditions during the period of supervision but for whom permanent change in attitude appears impossible. Nominal surveillance and a firm guide rein, with such offenders, is sometimes all we can aim for. But with most offenders, some rehabilitation is accomplished through aiming higher—at understanding and service—not by the technique of the big stick.

We should be neither sentimental nor hard-boiled. We need, instead, to develop scientific objectivity and realistic insight into the possibilities of accomplishing our aims. Professor Towle has phrased very well the kind of attitude which must pervade the field of probation and parole: "As we gain in skill, pity or blame give way to respect for knowledge and a search for understanding—we learn to *explain* and to *help* rather than to be for or against. Our motivation to reform is modified as we mature and realize that we cannot make people over but only help them change."[2]

[2] *Op. cit.*, p. 398.

Qualifications

A Realistic Approach to Personnel Requirements

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A REALISTIC and clear statement of the qualifications probation and parole officers ought to have is hard to come by, for a number of reasons. First, there are still phenomenal differences between the practice of probation departments and that of parole agencies, notwithstanding all the efforts of all the king's men to put them together. Secondly, community demands on the juvenile offender differ from demands on the adult offender, because our culture expects less social responsibility from the young person than from the adult, and this leads to requirements for the officer who works with juveniles different from requirements for officers who work with adults. This variation in attitudes is, in fact, explicitly expressed by the present NPPA statement of standards for the selection of probation and parole personnel. Note this paragraph from the section on definitions: "With reference to the handling of juvenile delinquents, *where counseling and guidance are paramount and authority is secondary*, many persons prefer the term 'probation counselor.' In the field of adult probation and parole, *where the importance of the authoritarian viewpoint cannot be overlooked*, the title 'probation officer' or 'parole officer' is preferred." (My italics for emphasis.)

For these and other reasons, it is really very difficult to make a frontal attack upon the problem. But these considerations do not rule out a sort of collateral or oblique approach to the upgrading of the qualification of probation and parole officers, and it is by way of this approach that the following four comments are offered, from the viewpoint of a social work educator.

1. Is It Social Work?

The first relates to doing first things first. In my opinion, no reasonable approach to the matter of qualifications can take place until there is a practical, widely agreed on resolution of the question, What is the hard vocational core of probation and parole service? To put its components into logical sequence: (a) Is probation and parole essentially a social work task? (b) Is probation and parole partly social work and partly "something else"? If it is, what specifically is that something else? (c) Is probation and parole generally "something else"? If it is not social work, what is that "something else" in terms of identifiable educational content—law, psychology, sociology, police science, public administration, or some combination of these? At some point in time—and the sooner the better—correctional leaders and rank and file staff will have to stand up and be counted on their votes for a, b, or c.

Certainly it is only too evident that, without a practical resolution of this question, no sound educational planning can take place between the field

and educational institutions. In fact, the very lack of what might be termed official resolution explains in no uncertain terms the widespread existence of "Tom, Dick, and Harry" programs for training in correctional work. Today the head of almost any department in any college is, practically speaking, free to develop a curriculum for correctional work, depending on his mood or his impulse.

Moreover, this lack of resolution of the question creates difficulties which go beyond that of failure to promote sound educational planning. It complicates the development of in-service training programs within the correctional agencies. Consultants who might be used in such programs are reluctant to participate because they find it difficult to determine where to take hold of their teaching assignment. With respect to staff recruitment, this lack of definition makes a farce of civil service requirements for "previous experience." Many of these specifications for previous experience end up by listing any number of jobs which have very little in common except that they involve work with people—and in the final analysis, what job doesn't? *Generale nihil certi implicat.*

2. Professional Status

The second comment pertains to interprofessional relationships. Let it be assumed that sooner or later the question about the professional core of probation and parole will be resolved. Let it also be assumed—at least for the sake of discussion—that this resolution leads to a conclusion generally accepted by all interested parties (judges, parole commissioners, administrators, and staff) that the job of the probation and parole officer is essentially one of social work—not law, psychology, sociology, public administration, or any of the other so-called "equivalents" found in current civil service announcements. The matter of professional status of the social worker in the correctional setting will then still need much discussion. For example: Is the probation officer (now presumedly a completely professionally trained person) to be regarded as a "handmaiden" to the judge—as the nurse's relation to the doctor is sometimes described? Or is the professional activity of the probation officer to be viewed as similar to the role of the court's clinical psychologist, psychiatrist, or legal advisor? To raise this question is not to imply that the professional social worker is resistant to being an "administrative" or "agency" employee. In fact, this is his natural vocational habitat at the present time. Nor does the question imply that the professional social worker wishes to take over the role of "judging." It is to say, however, that only when the officer's professional role is clearly and concretely dealt with will professionally well-qualified social workers be attracted into the field of corrections in any great number.

3. Concrete Educational Planning

The third comment relates to field-university relationships. If we agree that the qualifications of probation and parole officers are to be upgraded *via* formal educational training (whether it be social work or something else), then the quiet cold war—subtle and unsubtle—between educators and correctional personnel has to end. Certain educational personnel, both teachers and researchers, should cease and desist from engaging in their favorite pastime: generalizing about how badly and incompetently correctional services are operated (in the process of which, incidentally, they

frequently expose in every word their profound lack of knowledge of administrative realities). Likewise, officials and staff of correctional agencies will need to cure themselves of that chronic illness which takes the form of pointing out the ineptness and naïveté of all trained workers. This assumption of ineptness is all too often based on a single experience with one trained person who, in the first place, should never have been passed by the civil service commission and, in the second place, should never have been appointed by the agency in the light of known facts about his unsuitability. This irresponsible criticizing on both sides needs to be replaced by a realistic coming together of representatives from correctional agencies, educational organizations, and civil service for some down-to-earth, concrete educational planning.

This statement does not mean that I lack appreciation for the excellent accomplishments in general planning which have taken place on recent occasions—for example, the meeting of minds which produced the report on "Training Personnel for Work with Juvenile Delinquents." The point is, however, that if we are really going to win this battle against delinquency, there must be an increasing number of sessions between *specific* operating agencies and *specific* schools or universities, to consider *specific* means—the tactics—which will bring about a realization of strategic goals previously formulated by top level planning groups.

Moreover, the pragmatic test of the validity of this educational planning will be not only the formulation of a sound practical program of teaching and learning for correctional personnel, but the production of enough trained persons to staff the departments which want to operate on higher levels.

It is bad administration, and it is bad from the viewpoint of the community, for an agency to have personnel requirements which cannot be realistically met. It is bad administration, because unrealistic personnel requirements create tensions and anxieties within the agency. It is bad for the community because unrealistic personnel qualifications make it impossible for the public to hold the department responsible for a given level of performance. They make it possible for the administrator to say, "I would be able to do a good job with the right personnel, if I could only get them!" In the meantime, the community is—and remains—at sea as to how competent a job is being done. The public thus cannot determine how much *basic* incompetence is condoned because employees do not meet the "high standard."

4. Selecting the Best

The final comment relates to the selection of particular officers from among those who are nominally qualified. Be it assumed that the job of probation and parole officer is defined to the point that sufficient training of many prospective officers can and does take place. Certainly this achievement would upgrade qualifications; it will not, however, automatically solve the primary problem of public personnel administration: getting the person with the best qualifications into the job best suited to use those qualifications. To meet this problem, agencies will have to do at least two things:

One is to hold the civil service commission to a higher standard of examining than has prevailed in the past. Improvement in its appraisal of training and experience must take place, even

if it means taking the commission to court occasionally to test the validity of its method of selecting personnel. The "oral examination" (interview), for instance, is in need of serious overhauling if it is to continue in use. The "rule of three" (restricting appointment to the three highest persons on the list of eligibles) is wholly untenable in the light of the recognizably subjective aspects of certain jobs in the correctional field.

The second thing that probation and parole agencies must do is to improve their own screening of personnel for suitable personality characteristics at the time of initial appointment. An appointee may be a graduate of the "best" school in the country; his experience in other jobs seems to qualify him; his references are "super"; his grade on the civil service examination was the highest. Yet he "flops" on a given job, and for reasons (i.e., personality features) very apparent at the time of appointment—if only time had been taken, and procedures devised, to discover them. Wouldn't it be possible to divert some of the money available for research in the prevention of delinquency into research on how to prevent temperamentally unfit persons (regardless of their academic paraphernalia and their civil service test-passing ability) from becoming probation and parole officers?

I have attempted to highlight four issues in the upgrading of the qualifications of probation and parole officers. Put bluntly, these issues are:

1. Can we agree upon what probation and parole really is; more specifically, can we agree that it is essentially social work?

2. If it is social work, how is it to be ranked or regarded professionally in relation to other disciplines?

3. Whether it is social work or "something else," when do we get down to the business of *concrete* educational planning?

4. Even granting an increased supply of trained workers, how are departments going to protect themselves, and the community, against present defects in the training and the examining process?

These are not the only issues. There are others, some more dramatic and more fascinatingly speculative. But these four do have the virtue of being very practical; because of their importance and practicality they are par excellence the issues to come to grips with immediately.

In a recent book on child development—Irene M. Josselyn's *The Happy Child*—this sentence appears: "Mastery of a situation results in self-confidence, which in turn encourages the individual to meet other challenges." Maybe this statement is equally applicable to a young and developing vocation.

Recruitment and Retention of Personnel

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SOCIAL workers and correctional officers no longer need to dwell on past estrangements or misunderstandings. Despite pockets of resistance on both sides, they have come to recognize their common goals and mutual interests. Corrections as a field of employment for social workers is an accepted fact. The problem now is to recruit social workers in sufficient number to meet the steadily growing demand for their services and to offer conditions of employment which will keep them on the job after they have been recruited.

Shortages Are Acute

Corrections is not alone in clamoring for qualified social work personnel. The acute shortage of social workers in every branch of social welfare is all too evident in a number of alarming reports which have come to the attention of the Council on Social Work Education.

On the basis of estimates supplied in 1954 by Merit System Councils, there appeared to be at that time some 3,000 vacancies in the public child welfare and public assistance programs for which funds had been appropriated to pay salaries. This situation has not changed, although the new amendments to the Social Security Act promising financial support of training in public assistance will surely have an impact.

There were 2,300 unfilled positions in medical and psychiatric social work in 1953. It is estimated that 1,800 to 2,000 additional medical and psychiatric social workers are needed annually to fill vacancies and to provide for anticipated increases in the number of positions.

In 1956 it was estimated that 4,000 additional group workers are needed annually.

The Social Work Recruiting Committee of Greater New York recently completed a study of local agencies in the New York City area. It showed that current vacancies in social casework positions in the nine public agencies reporting total 489, ranging from 4 per cent of the total number of social work positions in one agency to 66 per cent in another; current vacancies in professional positions in the 190 voluntary social casework agencies reporting total 165, or 13.4 per cent of the total staff. A large majority of group work agencies reporting stated that they do not have fully qualified workers on their staffs and hence are having to make do as best they can with other personnel; no estimate of the professional staff needs of these agencies was attempted.

These reports are known to be incomplete. The study may even give a more optimistic picture than would prevail for the country as a whole because New York agencies have a better chance of success in recruiting qualified social workers than is true for agencies

in other parts of the country. A conservative estimate for the country as a whole would place the number of additional social workers needed by 1960 at 50,000. This averages out at 12,500 per year.

The problem of recruitment for corrections cannot therefore be separated from the problem of recruitment for the total field of social welfare. It follows that the resources of the total profession must be marshaled if there is to be any significant change in the personnel situation. In order to get its share of the product, the correctional field will need to consider, along with all other areas of social work, the factors affecting the recruitment of men and women to a career in this field.

Student Enrollment

First, let us review briefly the past and recent enrollment situation in schools of social work. In 1950, the peak year of enrollment for full-time, part-time, and extension students, there were 6,825 students in 49 schools of social work in the United States. In November, 1956, there were 6,767 full-time, part-time, and extension students in 52 schools of social work. In the intervening years there was a steady drop in enrollment until 1955. The upturn that occurred then is likely to continue, but obviously it will not begin to meet the estimated need of 12,500 additional social workers each year.

Our history in respect to enrollment is not unlike that of schools of medicine, osteopathy, dentistry, veterinary medicine, and law. Their peak of applications came in 1949, but in all subsequent years there was a sharp and steady decline in the number of applications and a corresponding decline in enrollments for most of these professions. The reasons for the decline are not hard to find.

The low birth rate during the depression years led to a marked drop in the number of college age youth taking university work. The trend in the undergraduate level was reversed in 1953 but has not yet affected enrollment in the graduate programs.

A second factor that has been universal in its impact is the continued high level of economic activity. This has meant a continuing and increasing demand for personnel in all areas of industrial and business activity. The resulting sharp competition for university graduates has led to the development of vigorous recruitment programs, to offers of attractive scholarship aid, and to improved services and fringe benefits, all of which adversely affect the competitive position of social work in the labor market.

The third factor with common significance is the early age at which women now marry and rear families. Despite the gradual rise in the proportion of men entering social work, the number of women still constitutes 65 per cent or better of the total supply of social work personnel.

The termination of the veterans' educational program is the fourth and final common factor. This program, which has had a significance beyond the hopes of its sponsors, has given the country an experience on which to build a constructive educational program of more general application in the future. Veterans' educational programs have had a greater impact upon social work than is generally known. During the period from June 22, 1944 to November 30, 1952, some 4,200 World War II veterans used Public Law 346 for social work education. An additional 2,000 disabled veterans studied social work under Public Law

16 between March, 1943 and November, 1952. These totals would be increased somewhat if more recent figures were available. The number of men entering social work was greater during these nine years than in any comparable period.

With the upturn in enrollment in the professional schools in 1955 and again in 1956 we have regained the ground that was lost in the years immediately following 1950, but this is no cause for complacency. As already indicated, the personnel needs of traditional services and those of new fields of social welfare employment require that we go far beyond any performance in the past in the production of qualified social work personnel.

National Recruitment Effort

From its establishment in 1952 as an organization representing the educational interests of the total profession, the Council on Social Work Education has recognized recruitment as a top priority problem. The efforts to meet the problem were somewhat fumbling in the initial stages, partly because social work as a profession had no substantial experience in large-scale recruiting and, more importantly, because there was no adequate financing of an over-all recruitment effort. A representative committee was established in 1952 to lay out a national recruitment program. Its first activity was the publication of a pamphlet on *Social Work as a Profession*, aimed at college juniors and seniors. As it has become evident that students consider career choices at an earlier stage in their education, additional pamphlets have been developed to appeal especially to high school students. The second activity was to involve in our recruitment activities the counselors, teachers, and parents to whom students turn for advice in making a career choice. Career charts and recruitment kits were developed for use by all guidance personnel.

Our National Committee on Careers in Social Work, representing all aspects of social work practice and education, including corrections, has continuously found it necessary to broaden its appeal and to develop new aids to recruitment. It has encouraged local communities (which it recognizes as the focal point for recruitment) to establish permanent community-wide coordinated recruitment programs and has developed manuals to help them in these efforts. A wide range of recruitment publications has been maintained and constantly augmented. Exhibits for use on a loan basis have been provided. A recruitment film strip has been produced and widely distributed. Local communities have been urged to sponsor career conferences, to participate in college career days, to arrange for visits to agencies by students, to provide summer employment for college students, and so on. We have established agreements with five local communities as experimental centers to try out new recruitment ideas, and we have worked hard to get additional scholarships established.

There is much more to be done. For example, we have not had the funds to utilize radio and television on any sustained national basis, although we fully recognize the effectiveness of these media. Our limited resources have not allowed us to develop additional visual aids, to distribute existing materials more widely, to provide field service to local recruitment committees, or to undertake needed research on the factors determining career choice in social work.

Upon recommendation of representatives of key employing agencies re-

cently convened in a Conference on Recruitment, the Council is now attempting to raise funds to employ a staff member to spearhead recruitment activities and to draft a master plan for a national long-range recruitment program. We hope to obtain at least $500,000 from foundations, business, and other sources to put the plan into effect.

The Council's Committee on Careers in Social Work has been given the responsibility for getting the national agencies to work together more effectively in their recruitment activities so thaf their efforts may benefit the total field as well as meet their own particular personnel needs. The field of corrections has not yet become sufficiently involved in this over-all recruitment effort. Involvement would mean active participation in national planning bodies and in local recruitment committees. It would mean presentation and interpretation of employment opportunities in corrections at career conferences and to vocational guidance and other counseling personnel. It would mean contribution of challenging material for inclusion in recruitment pamphlets and cooperation in the production of all types of career publications. It might conceivably lead to the sponsorship of carefully selected summer employment experience for college students to provide a foretaste (hopefully satisfying) of work in the corrections field. Most of all, it would mean standing shoulder to shoulder with representatives of all other branches of social work in common efforts: (1) to provide the financial aid which a majority of social work students need in order to begin or complete professional training; (2) to improve salaries and working conditions in all fields of social work; and (3) to raise the status of the social work profession in the eyes of the community. Let us look at each of these goals in turn.

Student Aid

During the 1955–56 academic year, 2,552 or 70 per cent of the 3,644 full-time students enrolled in schools of social work in the United States received some form of financial aid. A recent study of "Scholarship Aid in Social Work Education," prepared as a New York School doctoral dissertation by Milton Wittman of the National Institute of Mental Health and soon to be published by the Council, reveals certain significant facts. His sample of students included 22 per cent of the total student body in 1954 in 51 accredited schools of social work.

Fifty per cent of the students answering the questionnaire said they would have been unable to enter school without the financial help received. An additional 30 per cent stated they would have been in extreme financial difficulty without such help. This means that 80 per cent of the students in the sample could hardly have undertaken professional study without aid.

There are several reasons why social work students require more scholarship help than those in other professional fields. First, the students we are currently attracting to schools of social work come from families which cannot afford a heavy expenditure for education beyond the bachelor's degree for their children. Second, social work salaries are not high enough to justify their incurring heavy debts to be repaid after these students have finished the professional preparation. Third, 34 per cent of the students are married and have substantial financial obligations. Thus student aid takes on an importance for our field which has to be recognized in recruitment efforts.

Of some 2,500 fellowships, scholarships, or other financial aid plans listed by the Council on Social Work Education for the academic year 1956–57, only 20 were specifically related to future work in the corrections field. The implications are obvious. It is quite possible that the poor showing of corrections in a recent survey is due, in part at least, to this fact. Twenty-eight schools, graduating a total of 1,930 students in 1953–54, reported that only 92 of this total are now employed in correctional settings.

Salaries

Salaries in social work have long been a subject of critical comment. There are those who believe that there is no obstacle in the way of recruiting young men and women for professional performance in social work that would not be hurdled by an increase of $1,000 in all social work salaries. There are others who would put somewhat less emphasis on salaries as a factor in recruiting. In a meeting on recruitment at the National Conference of Social Work in 1956, only 23 per cent of those present indicated in a poll that salary was a major factor in their choice of a career. It is to the credit of social workers that interest in helping make the world a better place in which to live and a desire for interesting work take precedence over monetary rewards.

Nevertheless even social workers must eat, and it is unquestionably true that we lose potential recruits not only because our beginning salaries are low but also because prospective salaries are inadequate. Concerted effort is needed on all fronts to provide an equitable differential between salaries for the trained and the untrained in social work jobs and to make entering salaries sufficiently attractive to justify the expenditure of time and money on professional education. Beginning salaries in correctional agencies apparently show great variation, and at the upper level may be more adequate than beginning salaries in many other fields. The fact that correctional employment is generally more attractive to men than to women does, however, lend special significance to the salary question.

Professional Status

The relationship between the compensation paid in any profession and its status is self-evident. There is some reason to believe that an improvement in status and recognition by the general public must precede any substantial improvement in compensation, although the interaction of the one upon the other may not be so well or so logically ordered. We may assume that social work salaries reflect the community's estimate of our relative worth and likewise mirror our status.

Let us therefore look briefly at some of the elements by which a profession earns a respected status. (I should note here that the status to which I refer is that resulting from competence in performance and not the "rat race for status" which Mrs. Agnes Meyer decried in her address at the 1956 National Conference of Social Work.) Of the many elements which might have significance the following are illustrative:

1. The degree to which members of the profession are masters of the skills of their profession, possess a clear sense of their responsibilities, and are secure in their knowledge as to their defined area of practice.

2. The degree of commitment (and dedication) to the profession and the extent to which its membership, and especially its leadership, have respect

for the educational base upon which the profession must be built.

3. The extent to which practitioners exercise independent judgment in their activities.

4. The extent to which the profession interests itself in seeing that its members keep up-to-date on new knowledge and methods and the extent to which they avail themselves of the opportunities thus afforded.

5. The degree of courage and conviction shown by members of the profession in standing up for what they believe to be the public interest.

6. The degree to which its members adhere to a code of ethics whose first consideration is the well-being of those the profession serves.

All too often we complain about status as though it were something conferred upon a field rather than something which is earned. Every member of the profession is responsible in some measure for helping create the image from which our status is derived. Every one of us has a responsibility for improving that image.

New Images for Social Work and Corrections

These observations may have special implications for social work and corrections as they work together to recruit personnel. The image that some representatives of corrections have of the social worker may need to be revised; the image that some social workers have of corrections employment may need to be redrawn. Any comments on this matter are bound to be highly speculative, but there are certain conceptions and misconceptions which are worth consideration because of their possible effect on recruitment.

Corrections personnel have been known to shy away from social work training because they see it as a "softening" process. They tend to view social workers as too passive, too precious, and too dependent upon the support of continuing supervisory help, and they lay the blame for these weaknesses at the door of the school of social work. In filling positions in the corrections field they want workers who are tough-minded, able to function on their own, and more comfortable than social workers seem to be in their relations with judges, policemen, and other personnel in the correctional setting.

Social workers, on the other hand, sometimes write off the corrections setting as incompatible with the use of their hard-won professional knowledge and skill. They view judges and policemen askance as possibly inimical to both the goals and the methods of social casework; they regard the legal framework as much too restrictive for professional comfort.

There is a kernel of truth in views such as these, but our prediction of a bright future for corrections and social work rests precisely on the fact that new images are emerging from discussions of such conceptions and misconceptions. Social work education is bound to benefit, for example, from the insights with respect to the use of authority in the rehabilitative process which have already come from joint study and discussion. Corrections is bound to benefit from the new approach in social work education resulting in a greater breadth of training. Recruitment materials and activities should describe and portray the harmonious integration of social work which has already taken place in many correctional settings. From successful experience it will be possible to derive specific data not only for use in recruitment activities but also for cur-

riculum building and for the assessment of admissions policies and procedures in schools of social work.

Retention of Personnel

Turnover causes an appalling waste in our field, not only in terms of dollars but also in loss of continuity of service to the people who need our help. In our absorption with the problems and procedures of recruitment and training we are sometimes prone to forget that the reason for our activity is quality of service to social work's clients. We want the best in recruits and in professional education, not because we want to improve our status as a profession but because we want people to be well served. This same consideration should motivate us to keep trained social workers on the job by providing the kind of environment which enables and stimulates them to do good work.

The reasons for the high rate of turnover in social work are many and complicated. Acute shortages of qualified personnel in all social welfare fields encourage mobility. If the job in one agency doesn't bring satisfaction, a new job is just around the corner. Inadequate salaries also play a significant role, although satisfactions in the job may to a degree outweigh monetary considerations. Nevertheless, the need for sufficient income to meet growing family responsibilities is frequently the spur which moves social workers out of one job into another; for men, it is often the motive for leaving the field entirely. Continuing attention to improvement of wage scales is thus of great importance in retention as well as in recruitment of qualified personnel.

Staff Development

What are the factors which keep a person from going stale in his job? First of all, there is a need to feel adequate to the tasks at hand and to obtain a sense of accomplishment in the performance of one's duties. Staff development as an integral part of administration offers the best possibility of providing on-going refreshment for trained personnel and is a necessity for the untrained worker.

Staff development encompasses many activities, ranging from planned orientation to the program of the agency through supervision, seminars, institutes, and the organization of courses for in-service training. The content and methods would depend upon the previous preparation of the personnel involved and the purposes to be served.

For the untrained worker, the purpose would obviously lie in the direction of providing the specific information and guidance needed to carry an agency assignment. In-service training is not a substitute for professional education, but it can serve as a stop-gap until schools of social work are able to produce a more nearly adequate supply of professional social workers. The assistance of social work educators in planning and conducting in-service training would have special significance for the correctional field. Cooperative work with the agency administration on identification of the tasks for which training is needed would provide a valuable learning experience for social work faculty. The use of social work educators in the communication of social work concepts in in-service training programs would, in time, help to create a climate within the agency which would be favorable to the employment and retention of professional social work personnel. For this same reason, the device of planned exposure to social work concepts through in-service training, seminars, and institutes should be employed for experienced

older personnel without social work preparation as well as for newly recruited workers who do not have such preparation.

A long-range plan for the improvement of personnel should, of course, include provisions for educational leave and the development of scholarship and work-study plans. This is a slow but necessary and effective way of obtaining and retaining qualified workers.

For the qualified social worker, effective orientation and opportunities for educational refreshment and constant improvement of one's practice take on special significance in the correctional field. No graduate of a school of social work is a completely finished professional product. There is still much to learn about the specifics of practice in any field which a graduate may enter. In corrections, however, the specifics sometimes pose conflicts which, if not resolved, may cause the professional to leave the agency. Carefully devised orientation programs which help the professional neophyte come to grips with the realities of corrections work and stimulate him to put his knowledge to work in an authoritarian setting would do much to overcome initial fears about the applicability of social work methods in this setting. The professional who enters the field of corrections has presumably already responded to a challenge and has a sincere interest in the work. The stimulation of the challenge can be maintained or thwarted in the beginning experience in the agency.

Education never ends, and one of the goals of the professional schools is to produce graduates who are interested in continuing professional growth. Annual seminars, special study and demonstration projects, opportunities for consultation with experts, attendance at summer institutes, and the maintenance of an up-to-date library all contribute toward the ongoing education and job satisfactions of qualified personnel.

In the past two years the Committee on Corrections of the Council, under the chairmanship of Mrs. Elliot Studt, has given a good deal of thought and attention to the social work curriculum in an effort to make it serve better the needs of those who wish to function in the field of corrections. It has also published some material to this end[1] and has plans to produce more.

A Hopeful Future

Recruitment for social work and retention of staff are the lifeblood of the profession. We know that quality personnel in sufficient quantity are needed to staff our programs—and we further recognize that the problem cannot be solved in a matter of a year or two. Rather it calls for a long-range recruitment effort by the total profession, an effort in which the field of corrections can play a vital role. Only as recruitment becomes effective will agencies be able to employ professionally trained staff. In the meantime every effort possible must be made to retain present staff. Ways and means of staff development should become an integral part of every agency program, thereby enabling staff to function more efficiently. There must also be vigorous efforts to establish equitable work loads, to provide opportunities for advancement, to provide reasonable salary increments at established intervals, to make merit the sole basis for appointment and advancement, and

[1] *Social Work Education for Personnel in the Field of Corrections*, 1956; S. Jerome Roach and Eleanor G. Cranefield, *The Educational Needs of Personnel in the Field of Corrections*, 1956.

to develop better public understanding of the functions performed by social workers whether in corrections or elsewhere.

Each of us in the field of social work has a responsibility, personal and professional, to participate in recruitment.

Each of us should do the best job possible, for it is only by competent performance that we can hope to win and hold respect as individual social workers and for the profession as a whole.

Each of us must make an effort to explain to young people the nature of the profession and the opportunities and satisfactions it affords. This should be done both on an individual basis and as part of an organized community recruitment program.

Each of us should increase his participation in community affairs. In so doing we should openly let it be known that we are members of the social work profession and therefore interested in the welfare of the community as a whole.

Our shortage of personnel is not unique. Daily we read or hear of shortages of trained and skilled personnel in almost every field. Our field now has many opportunities to move ahead. It has made great strides in the past few years and will advance as our own efforts continue to contribute to the increasing maturity of the profession.

An English probation officer has partially described the physical, mental, and moral equipment of a probation-parole officer. As he puts it, such an officer must have "the strength of an ox, the tenacity of a bulldog, the daring of a lion, the patience of a donkey, the industry of a beaver, the versatility of a chameleon, the vision of an eagle, the meekness of a lamb, the hide of a rhinoceros, the disposition of an angel, the resignation of an incurable, the loyalty of an apostle, the heroism of a martyr, the faithfulness of a prophet, the tenderness of a shepherd, the fervency of an evangelist, and the devotion of a mother."

—JUDGE GUSTAVUS LOEVINGER

Methods of Appointing Probation Officers

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THE statutes of the forty-eight states provide some two dozen methods, and variants of them, for the appointment of probation officers,[1] including the following:

By the judge;
By the judges of the court;
By the judges of several courts, acting jointly;
By the judge, of persons having certain qualifications;
By the judge, upon nomination by a committee;
By the judge, with the approval of a state or local board;
By the judge, from a list of persons certified by a state body;
By the judge or other authority under civil service;
By a committee appointed by the judge;
By the chief probation officer or director of probation;
By the sheriff or police department (appointing persons for combined functions);
By the school board (appointing persons also serving as school attendance officers);
By the county governing body;
By a state board or officer upon nomination by the judge;
By the state board of welfare, corrections, or probation;
By the governor.

[1] See *Probation and Parole Directory*, NPPA, 1952.

Space limitation does not permit comment here on many of the variations. We can observe only the methods most used and present some of their strong and weak points.

Appointment by the Court

Traditionally, the appointment of probation officers has been regarded as a prerogative of the judges. The earliest officers were so appointed and most officers still obtain their positions that way. Indeed, in one jurisdiction an early decision of an appellate court held it unconstitutional to provide for the appointment of a probation officer by any authority other than the court. The officer gives the judge vital information and recommendations and carries out the judge's policies; the average judge has felt that this function involves so confidential and personal a relationship with him that he ought to have exclusive authority to appoint and dismiss "his" probation officers at will. This attitude still obtains to a large extent.

But the development of probation work as a profession requiring special education and training as well as personal aptitude has made this "errand boy" theory of probation work obsolete. Furthermore, judges, being human, have their biases and inadequacies, which had better be checked by some supplemental bal-

ances if possible. Although the judge must remain solely responsible for the decision granting probation and the conditions under which it is granted, the recommendations of the probation department ought to be independent, in the public interest. But it is not always easy for a probation officer appointed by the judge, and subject to dismissal at the judge's will, to submit independent opinions when he knows the judge is likely to disagree with them.

One of the judges of a large criminal court once summoned his chief probation officer, a man widely respected and admired, and said "Mr. __, I want your department to stiffen up its recommendations in cases involving the carrying of concealed weapons." To this the chief replied, "Well, judge, if our recommendations were not honest they would not be of much use to you, would they?" It happened that, at the time, this chief was being urged to resign and accept a more responsible position in social work. A man of lesser standing would have been strongly tempted to yield or to equivocate, knowing that his livelihood was in jeopardy. Most judges, however, do want honest recommendations from their probation departments, and judges who don't had better not have the power to appoint probation officers.

Political Appointments

The system of court appointment of probation officers has created a serious danger: control of probation departments by politics. In more than a few jurisdictions it has been and still is a regular practice for the probation officers to be discharged, and others of the victorious political party appointed, whenever a judge of the winning party succeeds to the bench. A recent example from a Midwestern county is reported by the St. Louis *Globe-Democrat*:

> County Judge__, a Democrat, named two new probation officers, both Democrats, to replace the two Republicans holding these positions. The positions pay $300 monthly.

During surveys conducted by the NPPA in recent years, some judges stated frankly that they choose their probation officers for political reasons, and some probation officers have admitted that they obtained their appointments through influence by friends and political connections rather than through their qualifications of experience and education for the position. In *most* counties of one state visited recently the probation officers said frankly that their positions were political and that they expect to be turned out of office when a judge of the opposite party comes in. In many instances the court's appointment has been merely the approval or rubber stamp of a selection made by the political committee of the town or county. In one populous state, where until recently probation officers were appointed by the local judges and the judges were elected biennially by the state legislature, a new set of judges and probation officers came in whenever the political complexion of the legislature changed; and some candidates for the bench strengthened their chances for election by promising to appoint as probation officer some political ally of a legislator. And so political intrigue enmeshes more and more victims.

The ramifications of political influence in the selection of probation officers are more extensive than might be supposed. Even the governor of a great state has sent word to the judges

of a large court that he wanted them to appoint a certain man—and the majority of the judges, anxious not to damage their political fences, made the "requested" appointment.

The requirement that the court's appointment of a probation officer be confirmed by the county or city governing board also is often political in effect, and the fixing of salaries by such a board opens the way to personal, partisan, and factional influences. In only a few jurisdictions does the appointing court alone determine probation officers' salaries.

The rationale for the political appointment is that it is "realistic." Where judges are themselves elected they must command the endorsement of political and other organizations and the personal support of persons who will campaign and vote for them. An important part of the political currency they use to secure this support is their appointment power. An elective office holder or candidate must play the game according to the rules or commit political suicide, unless special conditions exist which exempt him from participation in the political game. One of these conditions is an enlightened voting public which has learned the value of good professional probation service and is determined to have it; another is that the candidate himself be a man of such outstanding qualifications and leadership that he can refrain from political maneuvering.

Whether or not the reason for appointment by politics is "realism," its results are unquestionably evil. It brings about the selection of persons whose principal interests and preparation lie in fields outside correctional or social work. In states where the local political appointment of probation officers prevails, the educational qualifications of probation officers are generally quite low. In three such states recently studied, the proportion of college graduates to total staff ranged from 3 to 17 per cent; the proportion who had only a high school education or less ranged from 42 to 66 per cent.

Tenure of Office

The insecurity inherent in most local appointments of probation officers by the court militates strongly against the development of a professional service. A professional person anticipates a career and is generally found only where one is available. The local appointment system also leads to an irregular, spotty development of probation within a state. This is true in a geographical sense, a few courts doing good work and many others doing very poor work; it is also true in a chronological sense, for the good practices initiated by a judge one year may be destroyed by his successor the next. A steady statewide development of good probation cannot be maintained under the local appointment system.

In one state where all probation officers were appointed by the local courts, a recent study found that 79 per cent of the officers had held their positions for four years or less and 40 per cent for less than two years. The inference is a verified fact: few of these courts offered an opportunity for a person looking for a professional career in the field of probation. In the lower courts of the state, 60 per cent of the probation officers came into the probation field within the year preceding the study, and 87 per cent were appointed the year before that for the first time or were reappointed after a two-year absence. This rapid succession of probation officers in

many of the courts meant that an officer had hardly learned the more routine duties when he was replaced by another. Records of many dismissed probation officers pertaining to probationers, current nonsupport case information, and other pertinent data are often "lost" or are withheld from the new appointee.

Efforts to provide on-the-job training or to develop training institutes to promote more uniformity of methods and to improve performance are negated by the turnover of probation officers. This situation was clearly described by one probation officer who said that had he known the real nature of his work, he would have considered himself unqualified for the appointment; now, however, he sees little need to learn anything but the routine duties because he knows he probably will be replaced before he can put his new knowledge into practice. Many a well-qualified person who would like to make probation work a career will not accept a position from which he is likely to be discharged without good cause in three or four years, no matter how conscientiously and effectively he applies himself to the job.

Under the local court-appointment system some officers work part-time because their probation salaries are wholly inadequate, and others are on a part-time schedule because the volume of work does not justify a full-time salary. In many instances the officer works *full-time at another job*, and does probation work evenings and weekends. Even where the probation officer is supposedly appointed for full-time work, the insecurity bred by political appointment sometimes results in a sort of unofficial part-time arrangement. And since some officers accept the appointment in the spirit with which it is given them—the fruit of patronage—they consider it a responsibility to which they are expected to devote only part of their working time and they direct their major interest elsewhere.

An extreme example of inefficient probation under local appointment by the court is that of a town in an Eastern state where the two probation officers had reported that they were serving full-time. On being interviewed they said that they were not carrying *any* persons under supervision and had not made *any* investigations for the court. Their salaries were $300 a year each. When asked why they had reported that they were serving full-time, they replied that they were *available twenty-four hours a day*! The same situation was found in another county. These probation positions were obviously used only to reward (at public expense) party workers for doing nothing but help get some candidate elected—in which enterprise they had evidently been successful.

Civil Service

In order to escape the evils of political considerations so frequently obtaining in the appointment of probation officers and to provide tenure of office, civil service has been used in states where such systems are in operation. Where the civil service system is honestly and efficiently administered, it eliminates the poorly qualified candidate and—in setting up minimum requirements as eligibility for entrance to the examination—it gives publicity to the desirability of educational and experience qualifications for probation work. While official civil service appointment may not be the best method in every community at all times, when applied statewide it is a tremendous improve-

ment over such systems of politics-ridden local appointment as now prevail in many states.

Official civil service, however, is not always politics-proof. Since the judge may choose among those who are the highest on the list, he may inquire into their political activities and affiliations, or ask the local political committee of his party to inquire for him, and he may decide to appoint the one whose politics are acceptable instead of another who is better qualified. In one populous county where probation officers are selected through civil service and appointed by the local court, the man who was highest on the list was on the receiving end of this phone conversation shortly after his certification: "I am Mr. __. We boys were talking it over last night and *we* decided that this position ought to go to the highest on the list. So if you want the appointment I think you can have it. *We assume, of course, that you and all of your family vote the Republican ticket.*" Now if this candidate, whether Democrat or Republican, agrees or says nothing he puts himself under obligation to the party organization. If he does not want to incur such an obligation, he must either keep hypocritically silent or else declare his independence and thereby probably forfeit his chance of getting the appointment.

A desirable feature of the civil service system is that it does afford comparative security of tenure after a trial period during which the officer may be discharged without cause. But after that he cannot be so discharged; if he chooses to have a hearing before the civil service commission, his superiors may find themselves in a difficult position. It is hard to prove incompetence. A prominent chief probation officer in a state which relies on civil service lists states that it is impossible to get a probation officer discharged unless he has been convicted of a serious crime. The difficulty of getting rid of employees who have become incompetent or maladjusted is further increased by the activities of civil service "associations" composed of civil service employees who organize to protect all their members against discharge. They employ able and sometimes unscrupulous attorneys, demand hearings for their members before the civil service commission, and put the probation administrators on the defensive.

Many judges have strenuously opposed civil service. Some have been deeply offended by any implication that they are not competent to select the best possible probation officers, and they have felt that they could make better selections themselves, with such advice as they might seek, than would be made by a civil service examination. (Sometimes they could!) Some have objected because they wanted to reward political supporters. The probation act for the federal courts, adopted in 1925, provided for the appointment of officers by the judges through civil service. Many of the judges, however, objected so strongly to the requirement that this feature was stricken from the law. But the use of official civil service in the appointment of state and local probation officers has been increasing, and now is in effect in a good many states.[2]

In general it is to be observed that among the *civil service* probation departments of the country are some of the best and *none of the poorest*; among the *non-civil service* departments are some of the best, but a *great many of the poorest.*

[2] *Op. cit.*

Other Merit System Appointments

Some judges, eager to secure the best possible probation service but skeptical of some of the features of official civil service, have devised local machinery to aid them in the selection of staff. They have secured the aid of volunteer committees of citizens in enlisting good persons to be candidates, formulating standards of qualifications, conducting examinations, and recommending for appointment the best qualified candidates. Some extraordinarily fine developments of probation, in respect to professional quality and number of staff, have been secured without official civil service, in courts where the judge has been wise and strong enough to enlist wide community support and active cooperation—or where the community has been wise and strong enough to secure the election of such a judge. Toledo and Indianapolis are conspicuous examples.

In both of these communities (and in others) civic organizations, indignant because of maladministration of juvenile and domestic relations courts, campaigned vigorously for the nomination and election of better-qualified judges, and they remained active after the election. They have given effective support in getting more adequate appropriations for the court and its probation and detention facilities and in establishing unusually high qualifications for the staff, completely eliminating political, residential, and other irrelevant considerations.

These things can be done wherever an advised alert citizenry organizes to do them, and where able attorneys and other citizens with special training or talent can be persuaded to dedicate their services to the public welfare.[3]

From one federal district court it is reported: "We utilize an advisory committee composed of representatives of schools of social work and the largest private welfare agencies in the community. All applications are screened by this committee, whose sole power is to recommend concerning the potential capacity and the desirability of applicants. This has served well to protect the court from political pressure and to strengthen the position of the chief probation officer in relation to the court and the community in the appointment of qualified personnel." Volunteer cooperation of this sort would be invaluable in courts which cannot or do not wish to avail themselves of civil service procedures.

Nonjudicial Appointment

The traditional philosophy that probation officers are so personally responsible to the judge that only he must have complete discretion in choosing them has been disregarded entirely in the establishment of most statewide and state-administered systems of probation, usually adult probation combined with adult parole. Wisconsin was the first large state to adopt this system of appointment by a state authority; about fifteen others have it now.[4] In these states the probation officers, appointed by a state authority, are assigned to various districts. Apparently no serious objection to this arrangement has been made by the judges. Perhaps many judges are glad to be relieved of the political pressures to which they are

[3] For details of the Indianapolis story see "Wanted: Someone to Trust," *Woman's Home Companion*, September, 1955; pamphlet reprinted by the National Probation and Parole Association.

[4] See *Probation and Parole Directory*, *op. cit.*

subjected when they appoint probation officers. Of course no state department would insist on keeping a probation officer in a district where the judges found him objectionable.

Most of the statewide probation systems deal only with adult probation; court service for children has been felt to be more distinctly a local responsibility. Everybody cares about children, but it is not easy to mobilize much public concern locally for adults convicted of crime. State-administered and statewide juvenile court systems are, however, in operation in Utah, Rhode Island, and Connecticut, and probation for older boys in the juvenile courts is conducted by the state probation department in Vermont. In West Virginia juvenile probation service throughout the state is given by the state department of public assistance. In Vermont the state department of public welfare furnishes casework services for younger boys and all girls in the juvenile courts.

Statewide administration of probation may not be the best answer to the problems of political control and the resulting inefficiency of local service in every place, but in many states change from local appointments to a state system has seemed to offer the best prospect for substantial improvement. In some communities, especially in juvenile and domestic relations court work, where enough local sentiment and activity can be organized (as in Toledo and Indianapolis) to defeat the spoils system and secure the appointment and election of competent judicial and probation personnel, that is undoubtedly the best method for those communities, and they will not need official civil service. But for the rest of the state, the protection afforded by the official civil service is probably the best method of eliminating or at least greatly reducing the damages of political control.

Except in the smallest departments, it is desirable that the chief probation officer or director of probation services be given the duty of appointing other staff members, subject to confirmation by the judge or other appointing authority. The chief's professional experience will be useful in selecting the best candidates, and the fact that he has appointed or at least nominated them will help in maintaining good staff morale. This method of selecting staff is in effect in a considerable number of counties (in California, for example) and state probation departments. It is recommended in the Standard Juvenile Court Act and the Standard Adult Probation and Parole Act of the NPPA. Judges and other appointing authorities have not objected to this delegation of their power.

An example of what can be done to improve the adult probation service of a state and take it out of the political arena is afforded by the experience of Connecticut. For many years the Connecticut Prison Association and the NPPA, in cooperation with many probation officers, judges, and citizens of Connecticut, evaluated the situation and submitted reports with recommendations. These finally bore fruit in 1955 in legislation which sets up a state department of adult probation and abolishes appointments of probation officers by the seventy-four local courts.

A survey made a few years ago found that these conditions had prevailed in Connecticut for generations:

1. No standards had been established to regulate the appointment of adult probation officers or to evaluate the quality of their work.

2. Adult probation was not a career service in Connecticut.

3. Probation practices were utterly devoid of uniformity.

4. Quantity and quality of probation work were adversely affected by the heavy overload of cases.

5. In many courts the shortage of secretarial and clerical workers had relegated the probation service to little more than a bookkeeping and tally card system.

Under the new law, the governor appointed an able state probation commission which, in turn, secured an experienced probation administrator from another state to become the director of the Connecticut adult probation system. The effects of the new system, already in evidence, are:

1. Removal of the administration of probation from political control.

2. Organization of probation for professional service.

3. Establishment of a uniformly administered system, with uniform probation policies and procedures and uniform methods of record keeping and statistical reporting throughout the state.

4. Provision of tenure and opportunity for professional development and advancement for probation personnel, and encouragement of high standards of performance by giving probation officers the benefit of training, guidance, and supervision on the job.

5. Promotion of the coordination of adult probation services with those of other agencies that provide special treatment for individuals and families.

Selecting the Appointing Judges

Closely related to the problem of finding the best method of appointing probation officers is the problem of finding the best persons to do the appointing. The more completely the bench can be divorced from party politics, in places where the probation officers are court-appointed, the better probation staff will be appointed. In its Standard Juvenile Court Act, the NPPA has suggested the so-called Missouri Plan of selecting judges for juvenile and domestic relations courts. It is in effect for the judges of many courts in Missouri and some in California, and has been recommended by commissions for judicial reform in other states. It provides for appointment of the judge in the first instance by the governor on recommendation of a panel. The judge so appointed serves until the next general election, at which time he must stand for confirmation by popular vote. He may then be elected for a full term. If the "No" votes prevail, another appointment is made in the same manner as the first. The Standard Juvenile Court Act proposes that for the selection of judges of juvenile and domestic relations courts the panel be made up of representatives of various agencies concerned with child welfare, education, and health.

Although endorsed by the American Bar Association and the American Judicature Society, the Missouri plan, or modifications of it, has had little actual acceptance. In some jurisdictions the two principal political parties have united in nominating one man for a judicial position, so that when elected he is not under special obligation to either party.

Appointment Methods Compared

Any system of appointment of probation officers is as good as its administration and no better.

Some advantages of the state-administered system over local appointments are obvious: It can provide

service to counties which are too small or too poor to provide it for themselves except on a part-time nonprofessional basis. A competent administrator can organize and direct the probation work of the state, with supervisors to improve the quality of casework. In-service training, and scholarships for supplemental education and training on leave for selected officers, can be given. The probation work of the state can more readily be coordinated with public departments of health, corrections, and welfare.

Appointments by the local courts lend themselves to political influence and at best will provide spotty and incomplete coverage of the state. On the other hand, some of the best probation departments have been established by the initiative of local citizens and organizations which have worked actively to secure the election of fine judges and have supported them in building up a probation staff with high personnel standards and adequate appropriations. This local kind of effort, however, is not likely to be made in more than a few communities of any state, and it is constantly jeopardized by political overturns.

Official civil service may not completely eliminate political influences. While the tenure of office assured to probation officers appointed in this way is, on the whole, desirable, it may be too secure for those officers who reveal uncooperativeness or incompetence, characteristics extremely difficult to prove in a hearing before a commission. Methods of evaluating the qualifications of candidates are admittedly susceptible of much improvement, as is evidenced by the fact that civil service authorities themselves are subjecting their methods to study and experimentation. On the whole, however, official merit systems, in connection with either statewide or local administration, provide the best assurance we have that at least reasonably competent probation personnel will be employed.

Let's for once lay it on the line. Members of parole boards whose only qualification is how much they kicked into the party, or who lost their seat in the legislature because the taxpayers had their number, or members of probation commissions who sit as "public servants" because there was no other job they could be rewarded with, or members of youth commissions who could not tell a delinquent from a jug handle, should be treated exactly as the president of a large corporation is handled by stockholders when he fails to deliver. Let's get these political hoodlums out of every phase of correction and let us cease this nonsense of excusing and condoning the appointment of obvious charlatans and frauds through the rationalization that "they are sincere." So are the inmates of the psychopathic wards of every state hospital for the insane.

—THE COCKLEBURR

Race, Nationality, and Religion

Their Relationship to Appointment Policies and Casework

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THIS article constitutes (1) a report on and an analysis of the role of racial, ethnic, and religious factors in the appointment and assignment of probation officers, and (2) a critique of current assumptions, theories, and consequences commonly associated with the role of religion in the probationary and rehabilitative process.

Data for the report are the results of a survey conducted by the research department of the American Jewish Congress in February–March, 1956. A selected sample of juvenile courts was polled to obtain reliable information on current practices in the employment and assignment of probation officers.[1] Table 1 below analyses the number of responses on which the data are based. Twenty-four states are represented in the completed returns. All completed survey forms were signed by authorized court personnel—presiding justice, chief probation officer, or court clerk.

TABLE 1. ANALYSIS OF RETURNS BY REGION: NUMBER AND PERCENTAGE

Geographic Region	Number Sent	Number Returned	% Returned
North Eastern	12	8	66
North Central	14	12	85
West	8	7	87
Border States	3	2	66
South	12	6	50
Total	49	35	71

Racial and Ethnic Factors

Of the thirty-five responding, four courts (Southern) report race to be a factor in the *employment* and *assignment* of probation officers. Four other courts (North Central states) acknowledge race to be a factor in case *assignment* only. No courts report the use of ethnic or religious factors in the employment or the assignment of probation officers.

TABLE 2. RACIAL, ETHNIC, AND RELIGIOUS FACTORS IN THE EMPLOYMENT AND ASSIGNMENT OF PROBATION OFFICERS

Geographic Region	Race in Employment	Race in Assignment	Nationality in Employment; Assignment	Religion in Employment; Assignment
North Eastern*	0	0	0	0
North Central	0	4	0	0
West	0	0	0	0
Border States	0	0	0	0
South	4	4	0	0
Total	4	8	0	0

* New York City courts excluded.

Regional and social conditions both prompt the retention, and promote the abandonment, of racially segregated probation staffs and caseloads. Race as a factor in the employment

[1] The assistance of Will C. Turnbladh and Sol Rubin of the National Probation and Parole Association in the selection of courts for survey is gratefully acknowledged.

and assignment of probation officers (or of public employees generally) is fast disappearing. Many courts have long observed the practice of making case assignments without reference to the racial membership of either officer or probationer. Where the practice still exists, it is chiefly the result of the court's conformity to regional or local mores that are prejudicial and discriminatory and that frequently assume, and sometimes exceed, the power and effect of statutory requirements; even in Southern jurisdictions, the persistence of segregated caseloads and probation staffs is not known to have a statutory base. (Many Southern states do, however, possess statutes requiring segregated reform schools, orphanages, homes for the aged, mental institutions, and the like. At least six Southern states have a statutory provision that prohibits Negro and white prisoners from being chained or handcuffed together. In addition, it is often required that court records specify the race of plaintiff and defendant.)[2]

Employment and assignment by race are discriminatory in intent and consequence, whether sanctioned by law or by the mores of the community.

Segregation of caseloads in a court of public law has consequences that are deleterious and reasonably clear-cut. It puts the court in the position of giving official sanction and recognition to private prejudices and discriminatory practices. It results in discriminatory recruitment and hiring policies. It lowers the quality of court services and resources through waste, inefficiency, and administrative encumbrances. It cannot be justified even on the grounds that it materially "improves rapport" between officer and probationer—since Negro officer and probationer are mutually aware of the climate of prejudice that brought them together. Enforced identity between a Negro officer and his charge is likely to heighten, rather than allay, the sense of injustice and frustration suffered by both. Such practices have never been generally accepted in all juvenile courts; the number of courts still perpetuating them grows smaller each year. Their abandonment by courts and welfare services is likely to be hastened by the growing body of legal and social prohibitions.

The use of nationality or ethnic factors in the probationary process is generally related to the problems that flow from immigration and population mobility. The hiring or assigning of court and welfare personnel with reference to ethnic or linguistic factors had pragmatic justification during those periods in our national history when large immigrant populations settled in America. The sociocultural adjustment problems of many immigrant groups were imposing, and linguistic and cultural barriers did impede their solution. Public welfare and rehabilitative services generally sought to employ and assign caseworkers on the basis of linguistic identity. Moreover, many immigrants were unfamiliar with the welfare and rehabilitative functions of public law enforcement agencies. It was assumed, therefore, that nationality and linguistic identity would help to overcome unfounded fears and suspicions and, thereby, increase the effectiveness of available services and personnel. Insofar as can be determined, the need for linguistic or ethnic identity, unlike the practice of requiring racial identity, did not spring either from preju-

[2] See Pauli Murray, *States' Laws on Race and Color*, Women's Division of Christian Service of the Methodist Church, 1951.

dice or from the regional mores. (The practice of hiring Negro welfare workers, policemen, and court personnel was in some cases a device for overcoming the fears and suspicions that grew out of the hostile and antagonistic relations that existed between law enforcement agencies and Negro communities, rather than the result of prejudice.)

Only here and there do the historical and social conditions that prompted the use of ethnic and linguistic factors in the distribution of welfare and rehabilitative services still exist. Immigration restrictions and the process of acculturation have all but eliminated striking ethnic and linguistic differences from American life. Furthermore, the need to consider these factors was limited to those agencies and departments serving ports of entry and the great metropolitan centers. Today, only the practice of linguistic identity remains in use, particularly where there are Puerto Rican and other Spanish-speaking populations.

Religious Affiliation: Use and Significance

The formal aspect of religion in court and probation service is the recording and use of data pertaining to the religious affiliation of the children coming to the court. Nearly all of the courts surveyed do record the child's "religious affiliation." Table 3 reveals that the majority (85 per cent) of courts use this information primarily as a guide for sectarian referral and foster-home placement, particularly where statute requires religious identity between child and foster-parent.

TABLE 3. REASON REPORTED FOR RECORDING RELIGIOUS DESIGNATION

	Number	%
For sectarian referral and/or placement	30	85
Not recorded or not used	5	15
Total	35	100

Serious questions can be raised concerning the significance of the recorded affiliation, which is not generally considered a reliable index of religiosity. Individuals may derive values and need-satisfactions (sociability rewards, social identity, support for normative behavior) from church membership that are not necessarily related to religious belief and commitment. Moreover, individuals frequently express religious identification with reference to religious "tradition" rather than to affiliation. There is also often a considerable difference between the value-commitments of the adherent and those that are required by the "official" theological structure of a particular faith. It is the conviction of many court officials that the religious designations obtained are wholly nominal in character. Judges, probation officers, and religious leaders often express strong doubts about the meaning attributed to religious affiliation (or the lack of it). The chief probation officer of a Midwestern court states, in his response to the survey on court practices: "We have great doubt about the value of designated religious affiliation since many times persons report a specific religious affiliation but, upon investigation, they are not found on the church rolls. . . . Is it a true index of church affiliation when an individual can make a selection without being actually engaged in a particular church?"

In the survey, the sentiment is also expressed that the religious affiliation volunteered by parent or

child is largely prompted by conformism, that it refers primarily to religious tradition rather than to affiliation or commitment. Few parents and children would openly acknowledge a lack of religious membership in the presence of representatives of a public agency; the chastening effect of a court inquiry is sufficient to prompt responses that tend to reflect credit on the social character of the family. Problems arise, therefore, when the recorded religion is used not only for sectarian referral and placement but also when diagnostic value is imputed to the presence or absence of religious affiliation. The danger is that such imputation may be inserted into the theory and practice of the rehabilitative process without justification.

If the court seriously questions the meaning of a stated religious affiliation to the child—if, for example, a court finds that the religious designation volunteered by parent or child is nominal, without religious or social significance—another problem is raised. For then, if the court acts as if that factor *were* significant, it would appear to be serving as a missionary agent for sectarian groups. Inadvertently, perhaps, the court thus lends its authority to the pressure for religious conformity, violating in spirit and practice the American idea of voluntary entry into and exit from the religious community. In addition, the court must put on the mantle of the spiritual advisor before it can determine whether the recorded affiliation is religiously significant or not. Some courts, moreover, report that they automatically notify appropriate clergymen of the religious affiliation of the children and families coming before them in order to "encourage church attendance by the families of delinquent children" (a purpose that is considerably different from that involved in sectarian referral and placement). In a similar vein, one chief probation officer reports that "each probation officer always advises church attendance where the subject fails to attend or *where there is no church membership.*" (Italics added.) One may rightfully ask whether this tactic is the proper function of a *public* agency. It also ignores the fact that conventional religious conformity is likely to lessen rather than increase respect for religious values and training, particularly among children and youth.

When courts and other public agencies use these tactics, they tend to invite sectarian dispute concerning the role of religious belief and commitment in public rehabilitative services. The majority of courts probably tend to waver between (a) their professional belief that considerations of race, religion, and ethnic membership are generally irrelevant to the etiology of delinquency and to the efficacy of the probationary process, and (b) the popular notion that "some religion never hurt anyone." This ambivalence results from being caught between the necessity of employing experience-based diagnostic and treatment techniques, and the demands of popular religious sentiment that view religion as if it were a tested therapeutic instrument of general applicability. Courts (as well as the public) tend to confuse the values that are attributed to religious commitment with those genuine benefits provided by sectarian agencies which apply professional social work skills to the delinquent and his problem. Religious commitment and social work skills each have authenticity in their own right, but the notion that religious

membership and training materially inhibit or reform antisocial behavior remains, at most, an unverified hypothesis; at the least, it is only an assertion.

Claims regarding the alleged rehabilitative and preventive value of religious training and commitment among youth are the subject of considerable controversy in social work circles. The controversy continues without satisfactory resolution chiefly because too little research and documentary evidence have accompanied the frequent assertions of the value of religion as an instrument of social control and "social adjustment." Such affirmative "evidence" as exists is largely in the form of reports showing the lack of religious affiliation of substantial numbers of delinquents and their families; or else the observations of such public figures as J. Edgar Hoover, emphasizing the need for "religious values" in preventive and rehabilitative programs, are cited. Such reports and comments are irrelevant to the claim that religious training and commitment are accredited therapeutic agents. It will require more than the prestige of J. Edgar Hoover and the convictions that flow from popular religious sentiment to transform an assertion into valid theory.

In fact, the findings of two recent studies using student populations subject to extensive formal religious training appear to be in the negative. The first, a study of 915 Catholic girls attending classes in religious instruction, reveals that "religious training within each group did not contribute to the subject's ability to apply the principles of the moral law to life situations. In general, the religious experiences of the eleventh-grade girls studied did not contribute to their ability to form correct moral judgments."[3] The second, a study of 162 delinquent girls, concludes that there is "no positive relationship between religious knowledge or attitudes and moral behavior."[4]

At most, conclusions emanating from inquiry into the relationship between religious training and moral behavior do not justify or sustain claims regarding the rehabilitative value of such training. To date, such conclusions as are available tend to support the observation made by the distinguished Protestant theologian, Reinhold Niebuhr:

> It must be admitted that religion is not itself able to provide the detailed knowledge of human motives and of the intricacies of human personality which is necessary to the most helpful treatment of maladjusted individuals. Religion, except in cases where it is expressed through highly gifted individuals who have an intuitive understanding of human character, does not supply what must be derived from the science of psychotherapy.[5]

That is one reason why authorities on child development and rehabilitation do not favor the tactic of inserting, without demonstrable reason, religious values into the already complicated process of adolescent adjustment.

Furthermore, the adolescent who indulges in antisocial behavior because of some unmet social or psychological need often engages in a form of rebellion. Gordon Allport has estimated

[3] Carmen V. Diaz, *A Study of the Ability of Eleventh-Grade Girls to Apply the Principles of the Moral Law to Actual and Hypothetical Life Situations*. Ph.D. dissertation, Fordham University, 1952; cited in *Religious Education*, May-June, 1954, pp. 181–182.

[4] M. Dominic, "Religion and the Juvenile Delinquent," *American Catholic Sociological Review*, 1954, pp. 256–264.

[5] *The Contribution of Religion to Social Work*, Columbia University Press, 1932, p. 65.

that approximately two-thirds of a group of children studied with respect to their reaction to religion showed a reaction against parental authority and religious values, 50 per cent of them before the age of sixteen.[6] Religion, in the minds of such adolescents, comes to be identified with parental authority and the social *status quo*. There can be no gain for the child or for religion in "encouraging" religious training under these conditions; the possibility is great that the child will view religious training and observance as a form of punishment.

Religion and the Probationary Process

Imputing diagnostic and rehabilitative value to the presence or absence of religious affiliation is one persistent source of controversy in social work circles. Another such source is the requirement, either statutory or administrative, of religious identity between probation officer and probationer—a practice that affects not only court procedures, recruitment and hiring policies, and the probationary process, but the theory and practice of casework as well.

Religious identity requirements are not new in the child welfare field. They are common with regard to procedures governing sectarian referral and placement, adoptions, the disposition of foundlings, and the like. Pragmatic justification for the practice derives from the assumption that adjustment problems, whether generated by the adoptive or the rehabilitative situation, will be eased where there is correspondence of religious and other social factors between child and adult surrogate.

The practical effect of this assumption is subverted, however, when any element in the "matching" process is turned into an absolute requirement; that is, where religious identity between probation officer and probationer or between the child and adoptive parents is permitted to exceed the discretionary limitation, "when practicable." Rigid "matching" works against the avowed theory and purpose of child care services. Disregard of other important considerations or needs solely to achieve identity of religion between probation officer and child may, in fact, be harmful to the child and prevent the attainment of the proper purposes of probationary treatment. Moreover, the religious identity requirement has the effect of placing the theory and practice of social casework in the service of a non-empirical goal; i.e., ministering to the "spiritual welfare" of the child. The identification that is thought to be achieved through the superficial sharing of the same religious affiliation provides no more value or substance than other superficial forms of identification; in fact, to insist on religious identity is to assure a superficial relationship between officer and probationer. Mandatory religious identity requirements in child care services are often accompanied by serious constitutional questions. Case assignments made on the basis of religion may also lead to employment by religion, thus establishing religious affiliation and commitment as a qualification for public service.[7]

[6] Gordon Allport, *The Individual and His Religion*, Harper, 1950, p. 32.

[7] For a discussion of the constitutionality of religious requirements in child care services and their impact on the conditions of probation see: Note, "Constitutionality of Mandatory Religious Requirements in Child Care," *Yale Law Journal*, 1955, pp. 772–786; Caroline Simon, "Racial and Religious Democracy: Its Effect on Correctional Work," *National Probation and Parole*

The following analysis is derived from an examination of the public statements and legal documents that were issued by numerous civic agencies (sectarian and nonsectarian) with reference to a widely publicized controversy regarding the employment and assignment policies of the Domestic Relations Court of New York City. This controversy is strikingly illustrative of what happens when the role of religion in the rehabilitative process is neither intelligently conceived nor well defined.

For a number of years, the presiding justice of the Domestic Relations Court of New York City has selected appointees to the probation staff of the Children's Court on the basis of their religious affiliation. The purpose of this practice is to maintain a staff of probation officers in proportion to the number of Protestant, Catholic, and Jewish children served by the probation officers of that court. Taking a rough census of the religious distribution of children appearing before the court (reported to be 50 per cent Catholic, 45 per cent Protestant, and 5 per cent Jewish), the court has used these figures as a basis for a "religious quota" in the appointment of probation officers as vacancies occur on the staff. In the event of a staff vacancy, the court requests the personnel director of the New York Civil Service Commission to "certify an eligible applicant of the desired religion." In December, 1955, ninety-one probation officers were serving on the staff of the Children's Court. The breakdown by religious affiliations was:

	Number	% of Total
Catholic	44	48.4
Protestant	39	42.9
Jewish	8	8.7
Total	91	100.0

The presiding justice and other proponents of this method of appointment have defended it on the grounds that it is authorized and required by state statutes; e.g., "when practicable a child placed on probation should be placed with a probation officer of the same religious faith as that of the child."[8] Of all the courts affected by these provisions, however, only one,

Association Yearbook, 1951, pp. 205–206; Walter Gellhorn, *Children and Families in the Courts of New York City*, Dodd, Mead, 1954, pp. 118–123; and Alfred J. Kahn, *A Court for Children*, Columbia University Press, 1953, pp. 300–301. Authoritative analyses of the role of religion in custody, adoption, guardianship, and in child care services generally, are: Leo Pfeffer, "Religion in the Upbringing of Children," *Boston University Law Review*, 1955, pp. 333–393; "Religion as a Factor in Adoption, Guardianship and Custody," *Columbia Law Review*, 1954, pp. 376–403; and Justine Wise Polier, "Religion and Child Care Services," *The Social Service Review*, 1956, pp. 132–135.

[8] Although civic agencies and professional social work groups have long been aware of this mode of appointment, it became a public issue when the American Jewish Congress filed a complaint against the Domestic Relations Court and its presiding justice with the New York State Commission Against Discrimination (SCAD) in January, 1955. The complaint charged that inquiring into the religious affiliation of applicants for the post of probation officer violates the state law against discrimination. On July 9, 1956, Commissioner J. Edward Conway handed down a ruling that religion was not to be considered in the appointment of probation officers. All affected parties agreed to stop the practice of questioning probation officer applicants on the civil service list about their religious affiliation. Although appointment by religious affiliation is prohibited, an application for reconsideration has been filed with SCAD by the American Jewish Congress on the grounds that assignment by religious affiliation is also discriminatory.

the Domestic Relations Court of New York City, has chosen to turn a discretionary principle into an absolute requirement.

This section of the article presents and analyzes the five main lines of argument submitted by those organizations supporting the court's practice of employing and assigning probation officers on the basis of religious affiliation.[9]

1. *The assignment of probation officers to probationers on the basis of religious identity is consistent with acceptable social work theory and practice.*

This claim does not appear to be substantiated by either the literature or theory of contemporary social casework. There are no sound professional grounds for establishing case assignments on a religious basis in a *public* agency. Employing and assigning personnel according to religion does not obtain in such related fields as public education, the judiciary, psychiatry, clinical psychology, and child guidance. There is no body of reputable casework theory that requires or suggests religious identity between officer and child as a necessary condition for satisfactory casework. Nor is it necessary that the probation officer be of the same faith as that professed by a sectarian agency in order to make a proper referral.

Authorities on casework and probation have pointed out that religious identity assignment needlessly interferes with the recruitment effort in undermanned courts, adversely affects the quality of personnel available to the courts, and establishes a practice that is administratively unsound and inefficient.[10] It represents a policy that is not derived from or sanctioned by the theory and practice of social casework; on the contrary, it denies the professional training and capacity of probation officers by introducing the unwarranted condition that religious identity takes precedence over the application of casework and rehabilitative skills.

2. *The religious identity requirement is needed in order to establish and improve rapport between probation officer and child.*

This proposition may also be stated in the form that "a probation officer

[9] Organizations supporting the court's employment and assignment policies were the Catholic Charities of the Archdiocese of New York and the Protestant Council of the City of New York. In opposition were the American Jewish Congress, the Citizens' Committee on Children, the New York Board of Rabbis, the Protestant Episcopal Diocese of New York, the American Ethical Union, and the New York City Chapter of the National Association of Social Workers.

[10] In a statement to the *New York Times* (December 18, 1955), Will C. Turnbladh, director of the National Probation and Parole Association, stated that the probation systems of most large cities make assignments on an "area" or geographic basis. The administrative deficiencies and encumbrances that flow from the practice of employing and assigning probation officers on a religious basis are given detailed treatment in two distinguished studies of New York City's Children's and Family Courts: Gellhorn, *op. cit.*, and Kahn, *op. cit.* See also, "Constitutionality of Mandatory Religious Requirements in Child Care," *Yale Law Journal*, 1955, 772–786. This article concludes a review of mandatory religious requirements with the following observation: "Mandatory religious requirements, whether statutory or administrative, seriously impede the administration of child welfare programs. They impair effective utilization of existing facilities and techniques for child care, curtail the effectiveness of probation programs, and are open to serious constitutional objections. Religion should be viewed as *one of many* interrelated factors which must be considered in determining how to promote the child's welfare." (Italics added.)

better understands a child of his own religious faith." In this instance social work theory and practice is reduced to the untenable and repugnant notion that only Catholics can speak to Catholics, Protestants to Protestants, and Jews to Jews. And, apparently, no one can speak to or for the nonbeliever or the minority sect adherent.

There are, moreover, several significant reasons why this proposition lacks status and validity in social work theory and practice. First, it is contradicted by noting that although clinical, counseling, and psychiatric services make the closest contact between children and public agencies, religious identity between clinician and child is never required even when that contact is most protracted and intensive. Second, this proposition rests on several assumptions that are of questionable validity. For example, it has to assume that religious commitment and identity endow the caseworker with the capacity for trained insight and the ability to make informed judgments of character, personality, and treatment possibilities. It must also assume that achieving "understanding" between officer and probationer is merely a matter of reducing all behavioral problems to a religious base; i.e., to the view that the etiology as well as the treatment of delinquent behavior springs from religio-moral considerations only—an assumption refuted by the weight of scientific inquiry into the social and psychological conditions that produce delinquent and troubled children.

3. *Requiring religious identity between probation officer and probationer is, in principle, no different from that requiring, whenever possible, religious identity between child and foster-home or between child and adoptive parents.*

The assumption here appears to be that the probation officer stands *in loco parentis* to the probationer. One can acknowledge that this view of the probation officer's role is primarily intended to dramatize what many would consider the ideal probationary relationship. On the other hand, it is obviously not an accurate description of the authorized role and function of the probation officer. He does not, by statute or administrative rule, stand "in the place of parents." Furthermore, it is presumed that when a child is placed in a foster-home or in adoption, he is likely to be given religious indoctrination. This is the recognized prerogative of the parental estate; giving religious indoctrination or "nurture" is not, however, the accredited function of a probation officer—a function that would be wholly illegal and unconstitutional. It is conceivable that a court may stand *in loco parentis* to a child (in the case of neglectful parents); but even in this case, religious indoctrination is beyond the purview of the court. In addition, the fact that probation officers are assigned and reassigned to cases at the discretion and requirement of the court would indicate that the *loco parentis* analogy does not stand up in either theory or practice.

4. *Religious affiliation and identity are necessary in order that the probation officer may be able to detect and nurture the spiritual needs of the child.*

This proposition could only be carried out within the context of highly sectarian-conscious probation departments and courts. It would also have the effect of making religious affiliation a qualification for public employment. It would make established casework

theory and practice subordinate to if not dependent upon the recognition of sectarian claims and requirements. It assumes that it is the proper function of the court to recognize the proprietary interest of sectarian groups in children who are, by legal process and decree, wards of a *public* agency. It further suggests that it is the proper function of the secular courts to act as an instrumentality of religious bodies and their goals in violation of the principle of the separation of church and state.

What is the implication of this proposition for the probation officer? Advocates of the religious identity requirement have argued that, since the state provides chaplains to meet the religious and spiritual needs of prison inmates, the probation officer should therefore similarly nurture and protect the religious needs of probationers. It has also been suggested that religious identity is necessary so that the probation officer may be able to "detect and direct the spiritual needs of the child." But is this the proper function of a probation officer? What are his qualifications and sources of authority for "detecting and directing" spiritual needs? By virtue of what license does he make the judgment concerning whether or not inquiry into the spiritual needs of the probationer is relevant either to the etiology of the delinquent's behavior or to his rehabilitation? Nor can we overlook the objection of many religious groups to clothing a secular official in the robes of spiritual advisor and confidant.

To suggest that it is the proper function of the probation officer to "detect and direct the spiritual needs of children" is to say that it is not possible to serve the religious needs of children on other than coercive grounds and that no community services are available to satisfy the voluntary expression of the religious sentiment. It has not been demonstrated that lack of religious identity in any way denies or hampers the right to religious nurture.

5. *Religious identity requirements are justified because they materially improve the quality of the probationary relationship and supervisory services.*

This proposition probably rests on less evidence than any other discussed here, despite the fact that it is testable. If religious identity does enhance or facilitate the supervisory function, what evidence shows that supervisory services are inadequate when religious identity is not practicable? In the literature of casework research there are no court records, research data, or controlled experiments showing that religious identity as opposed to nonidentity improves the relationship between officer and probationer or the rehabilitative services rendered. Mere assertions or references to isolated and fragmentary "evidence" derived from personal conviction or private experience cannot substitute for objective data. Scientific evidence is the only basis on which we can accept or reject proposals or propositions claiming theoretical or practical relevance to casework.

The lack of such evidence is the most disquieting feature of all five propositions. To ignore this basic deficiency is to embark on policies and programs that will ultimately deprive children of the competent professional guidance that would otherwise be theirs. The service value and efficiency of courts and probation departments rest on the quality and character of their recruitment policies, personnel, in-service training pro-

grams, casework services, and administrative control and leadership. It requires little imagination to foresee the contradictions, inconsistencies, and encumbrances that are likely to result from the indiscriminate imposition of religious requirements and expectations on these crucial services.

The principle of identity (or the sharing of certain specified social characteristics) is subverted whenever it is held, without demonstrable reason, that one such characteristic is more valuable or more relevant than others. This is not the intent of the theory of shared characteristics—whether applied to probation, placement, or adoption. The tide of theory and practice, of professional casework standards, runs strongly against the claims and assumptions presented above. Moreover, there is an important distinction to be observed concerning the consequences that result from the use of racial and ethnic factors in probation and those that have come to be associated with mandatory religious requirements. Racially segregated caseloads are primarily the conformist response of some courts to prejudicial mores. The use of ethnic and linguistic factors is permitted as a necessary expedient in overcoming cultural and language barriers. In neither case, however, does consideration of these factors lead to a restructuring of established casework theory, however much they may interfere with the administrative efficiency of probation work. Current claims regarding the role of religion and religious identity in the rehabilitative services of public agencies, on the other hand, are accompanied by the implication that casework increases in value where precedence is given to religious or "spiritual" concerns. Note that this is not merely saying that religion may be relevant to the rehabilitative process or that religion may have a role to play in it. It is saying, at the least, that demonstrable and rational casework practices cannot be put into effect until the religious identity requirement is satisfied. That requirement and the unverified assumptions that support it displace tested theory as the determinative, guiding element in probation work.

The questions raised here are not intended to deny the potential value of religion to human life. Nor do they deny the role that religion may play in the life of a particular individual. We are not concerned with the validity or character of religious belief or creed, or even with the remarkable contribution that sectarian agencies have made to the welfare of children. Rather we are concerned with the various assertions that religious commitment has preventive and rehabilitative value in the probationary process.

Sectarianism and Rehabilitation

It would be remiss to conclude these observations without brief reference to the dangers that increased sectarianism present to the successful operation of public rehabilitative and welfare services. Some claim that the United States is now experiencing a "religious revival." Although there appears to be serious dispute about the significance and enduring quality of this "revival," there is little doubt that it has resulted in a renewed emphasis on the role of the institutional church in government-sponsored public services.[11] Specifically, "or-

[11] For a comprehensive analysis of the consequences of an expanding religious ideology in contemporary American society, see Don J. Hager, Isidor Chein, and Charles Y. Glock (eds.), "Religious Conflict in the United States," *The Journal of Social Issues*, 1956, Vol. 13, No. 3.

ganized religious bodies are exerting increasing influence in governmental affairs, particularly where proposed legislation directly affects religious interests."[12] This influence is probably the result of genuine concern of the organized religious community about social problems and their management; but, spurred by this concern, it may tempt the overzealous to breach and discredit the constitutional separation of church and state. In some municipalities, for example, sectarianism is injected into court practices and services for the care of neglected or delinquent children: sectarian pressure is brought to bear on court officials and the confidentiality of court records is violated by representatives of sectarian child care agencies. The suspicion grows that salvation rather than rehabilitation is the goal. This type of sectarianism breeds religious separatism, weakens community participation, and leads to the establishment of "private governments." When children become the victims of sectarian intransigence, the quality of community services rendered may be seriously impaired.

Mandatory religious requirements in child care and rehabilitative services multiply wherever sectarianism is in vogue. In communities where communal life is dominated by a primitive sectarianism, where judges, magistrates, school board members, and other public officials are selected and appointed primarily on the basis of religious affiliation rather than on competency, interest, training, and experience, the policy of appointing and assigning probation officers on the basis of religious affiliation is not considered bizarre or questionable. Where the mere fact of religious affiliation is thought to be an acceptable substitute for, or at least the equivalent of, professional skills and training, a condition is created that can bring no credit to religion. Where sectarianism permeates the civic order, religion is demeaned and the efficacy of social services is threatened.

Sectarianism also tends to reinforce, if it does not sanction, the behavior of those judges whose response to the delinquent and his family is largely confined to delivering "sermonettes" from the bench. On occasion, judges have been known to indulge in the unconstitutional practice of requiring church attendance or periodic visits to clergymen as a condition of probation.[13] For instance, a well-known Chicago jurist, Judge Julius H. Miner, boasts in an article appearing in the July, 1955 issue of the *American Bar Association Journal*: "The many wayward children *whom I have sentenced to attend church and Sunday school . . .*" (Italics added.) Beyond the questionable legality of this practice, it equates religion with punishment—a consequence that can hardly be said to benefit religion or the child.

Religious requirements—mandatory or suggested—in probation and rehabilitation reflect the court's and the religious community's awareness of the possible influence of religion and sectarian services on the social life of the child. But where this awareness ignores or fails to spell out the precise relevance of religion to the child's problem, it is likely to involve the court in matters that are beyond its purview and authority. Religious bodies and sectarian agencies were

[12] Leo Pfeffer, "Religion in the Upbringing of Children," *Boston University Law Review*, 1955, p. 335.

[13] In *Jones* v. *Commonwealth*, 185 Va. 335, 38 S.E. 2d 444 (1946), a probation order requiring a child's attendance at Sunday School was held unconstitutional. See also Gellhorn, *op. cit.*, p. 121.

among those groups that participated in the struggle to achieve community responsibility for the care of all children. It would be tragic indeed if they were now to renounce or jeopardize a governing principle that they fought so valiantly to establish—that in matters affecting the care and destiny of all children, the paramount consideration is to act on behalf of the welfare of each child, regardless of race, religion, nationality, economic status, or the competing demands of institutional pressures.

Probation work is as broad as the range of human personalities and as deep as the mysteries of human conduct.
—MABEL A. ELLIOTT

Caseloads

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LIKE "damyankee," the word "caseloadsnstaffneeds" is a single and unified idea. And caseloadsnstaffneeds, not simply caseloads, is the topic of this article. To discuss a department's caseload apart from its staff needs is about as productive as discussing the size of a school's faculty apart from the number of students and the nature of their problems. One important use of the caseload as a unit of measurement is to estimate the number of staff needed to perform a department's work; ideally, the objective of using it thus is to obtain sufficient staff to perform the work *effectively*.

What Is the Standard Caseload?

Although it is recognized that heavy caseloads impair the quality of work of a probation or parole department, light caseloads of themselves do not guarantee a high level of performance. Caseload figures alone are not sufficient basis for measuring how much work a department is doing or how well that work is being performed.

Today's standard caseload figure is at best only a gross unit of measurement, a figure subject to revision after research has laid the groundwork.[1]

The current standard caseload is only a gross measure because it is based on a "typical" caseload. It is acceptable only when it is adjusted to different types of cases, to the level of skill of the department's officers, to the varying social agencies and financial resources in the community, and to the geographical area served. Nor is the standard based on a predetermined quality of performance. To be usable, a standard caseload must take these variants into account. In other words, a court's acceptable caseload at one time might be 75 cases, while at a later date (when qualified staff had replaced unqualified staff, thus permitting more intensive treatment of each case) the same court's standard or goal might be lowered to 50.

It is now generally accepted that one officer should supervise *not more than* 50 cases at any one time. This standard dates back at least to 1923, when "Juvenile Court Standards" was published jointly by the U.S. Children's Bureau and the National Probation and Parole Association; it was based on twenty-four years of juvenile court experience. A few years later Edwin J. Cooley, director of the New York Catholic Charities Probation Bureau, concluded as a result of a three years' project in the Court of General Sessions, New York City, that 50 male (or somewhat fewer female) adult probationers could be supervised by one officer. But neither of these documents took into account the time consumed by presentence or prehearing studies, or other principal

[1] A jointly sponsored research project of the Professional Council and the Advisory Council of Judges of the National Probation and Parole Association will provide, in the near future, reliable nation-wide data on caseloads and other administrative matters.

time-consuming functions performed by probation officers.

For as long as anyone currently connected with the Association can remember, the Professional Council has advocated a supervision caseload of *not more than* 50 active cases at any one time, or 12 comprehensive presentence or prehearing studies per month per officer. In recent years this has been altered to 50 supervision cases or 10 (rather than 12) studies per month, and it has been weighted to facilitate the determination of staff needs. The weightings have been based on the premise that a presentence or prehearing study takes five times more effort than a supervision case; therefore a weight of five work units for a predisposition study and one unit for a supervision case has been used. For example, an officer with 35 supervision cases should (on this basis) make only three comprehensive predisposition studies per month: $35 + (3 \times 5) = 50$ work units.

Many departments have accepted this as a goal, and despite constantly rising caseloads have been able to maintain workloads which approximate it. Others have rejected it as unrealistic and have established a higher caseload goal. Variation from the standard is proper only when based on the factors cited above (and more thoroughly discussed below); it is improper when the variance is based principally upon an administrator's failure to acknowledge his *real* needs. For example, one administrator, discussing another department which had lowered its caseload to 50 supervision cases per officer, stated that such a caseload was unrealistic because it would triple his budget. He therefore proposed to keep shop as usual—with a hopelessly understaffed and ineffective department.

Caseloads Today

Unfortunately, no conclusive nationwide survey of caseloads has ever been made. NPPA staff members, who now work virtually all over the country, are the best source of these data today. Through their reports we know that many juvenile and a few adult departments operate on or near the standard workload of 50 units. Other departments have achieved average caseloads of 65 to 80. But the majority of departments in this country still do not even approach the standard. In fact, gross understaffing in many of these departments has reduced the quality and quantity of their work to the point where the lack of supervision of probationers and parolees constitutes a menace to themselves and to society, and makes a farce of probation and parole. Since there is general recognition among professionals that this situation exists, I would prefer not to belabor the point. But because I hope that this article will reach nonprofessional people who are concerned with the quality of work being done in their communities, recent Association surveys which discuss high caseloads will be quoted.

Juvenile and adult probation and parole processes are authorized by statute in every state (except Oklahoma and New Mexico, which have no provision for adult probation). But mere authorization of the process does not mean that every county, or even every state, has appropriated money to implement it. In a number of states, one person stationed in the state capitol administers and operates probation or parole for the entire state. At least one state (both large and wealthy) has no paid adult parole personnel. Many counties have no probation service for juveniles; an

even higher number of counties lack an adult probation service.

Average supervision caseloads (excluding predisposition investigations) of 135 per officer are not uncommon for large metropolitan adult probation departments. The average adult and juvenile probation and parole caseload in this country is estimated to be 250 per officer. In extreme cases the individual officer caseload has exceeded 1,000 per officer! In a one-man department I visited, the probation officer was responsible for 900 felony cases—and he gave only part time to his probation work, because he also had his grocery store to manage.

The Association estimates that the number of officers needed today is 40,000—not the 7,000 presently at work. This estimate does *not* take into account the needs of the immediate future, when the sharp increase in the number of children in the ten-to-seventeen age range may lead to an increase in juvenile court work.

In one state recently studied, where 87 adult probation officers were employed, the average supervision caseload per officer ranged from 96 in one department to 1,289 in another. Caseloads for the adult probation and parole program in another state ran from a low of 27 to a high of 244; only 11 of the state's 40 officers carried caseloads of less than 50. Another probation and parole department's average supervision caseload was 108, in addition to 11 presentence investigations per officer per month. This department needed a 250 per cent increase in its staff of 14 officers to handle its caseload!

In a populous state, 21 per cent of the probation and parole staff of 166 had caseloads which exceeded 200. One officer reported a caseload in excess of 800.

In another state adult probation caseloads averaged 115. This state has one of the better developed adult programs in the country—yet *it* needs a 100 per cent increase in staff.

In the three most recent local juvenile court studies conducted in the Midwest, I have found some probation departments which have only one-third of the staff they need to handle their work.

Considerable credit must be given to the intelligent and aggressive administrators throughout the country who have ably presented their staff needs and obtained additional staff over the years. Yet many of these men have found that their departments' caseloads have at best remained only constant. They have found, particularly in the adult field, that an increase in staff has frequently been followed by an increased number of cases placed under their supervision. This, in addition to the increasing number of crimes, has made it very difficult to reduce caseloads, or even to hold them at a desirable level once they are reduced.

Effects of Caseloads on Staff

To illustrate a typical workload and an intelligent and conscientious officer's attempt to retain control of it, here is a quotation from a recent survey report:

"He worked in one county, averaged five presentences a month (25 work units), reported an average supervision caseload of 76 cases (76 work units) and handled 11 supervision cases which were not reported (11 work units) for a total of 112 work units. In the performance of the above he conducted 1,649 interviews in his office and 3,996 interviews in the field, for a total of 5,645 interviews in one year. This was roughly 20 interviews

per day—if the officer was never ill and if he had worked a normal work week. In addition, he talked to 1,183 persons on the telephone and wrote 741 letters. To do this, he worked 115 hours overtime that year (approximately three weeks), for which employees are not compensated. This officer somehow found time to compose and dictate some of the better presentence investigation reports found in the state, and his recording of supervision progress was above average. In addition to his other activities, he was required to spend time in court, maintain a case accounting and control system on his caseload, and complete administrative control and statistical forms. This amount of activity is not unusual. It is redundant to state that this overload has adversely affected his work."

The report carries this note of another department in the state:

"This is a one-man madhouse. The probation officer is in his middle thirties and is a one-hundred per cent sincere, conscientious, intelligent, hard-working person who is running probation by trial and error against insurmountable odds. Not counting his municipal court and illegitimacy cases, his active circuit court probation caseload totaled 492 cases. Add to this his other cases and his active caseload would approach 600. During January he made 31 presentence investigations."

The report continues, describing yet another department's work:

"The officer states, 'Most don't need supervision . . . home calls are more of an injury than a help.' One officer in this department is charged with the supervision of 375 cases—makes about five home calls a year—175 of the cases reside in other cities and report only by mail."

In the first example, we get the picture of a capable officer attempting to handle two and one-half times the standard load. Because of the overload, this capable worker was forced into a mass production effort to provide the minimum—protection of the public. He did so only through much overtime work. He was a frustrated individual.

In the second, the officer at least attempted to keep records on 600 cases, a load which constituted work for at least 10 officers. He was forced into the practice of categorizing and handling his cases on the basis of offense. Needless to say, he was also frustrated; he knew that pigeon-holing probationers on this basis is poor practice and that he could not do a good job using such a procedure.

The third example shows what happens when there is not even an awareness that one officer cannot supervise 375 cases and do any sort of job at all; in this case not even the public (let alone the client, the agency, or the officer) was being protected.

In all three of these examples, the direct effect of large caseloads is seen in a lowered quality of work, poor staff morale, and failure to provide protection to the public.

Under these circumstances officers adjust in various ways. At the bottom of the scale are those who have never realized that there is anything wrong with large caseloads. These officers see nothing that requires an adjustment, so they don't ever think of making one. In other departments, promising officer material responds to the pressures of overwork by getting into a rut—categorizing cases on the basis of offense to get some semblance of order and control in their jobs. This is understandable (though not desirable) in view of the constant pressure

on the officer exerted by the knowledge that tomorrow's burden will not be lightened no matter how many hours of work he puts in today.

The large caseload is an important reason for the field's difficulty in attracting and holding personnel with graduate training. I know, for instance, a fully trained and highly skilled officer who left one of the country's best departments for the comparative ease of a university faculty position, because he was discouraged by his inability to provide treatment in view of his chronically large caseload. This same department has another equally skilled officer who is now considering leaving the field for the same reason. These officers seek a setting where they can use their knowledge and skills.

A practical and acceptable expedient used by a number of adult departments to deal with understaffing has been what is known as "classification" of cases according to their surveillance needs. Much has been written about the advantages of selecting, through classification, a few cases from a large caseload for intensive treatment. While this represents a commendable attempt to bring order out of chaos, and is superior to the handling of all cases by routine office visits, most officers using this method find they must operate on the basis of constantly occurring emergencies—and these emergencies, rather than classification, determine how the officer uses his time. In this atmosphere of pressure and tension it is very easy for an officer to relax and wait for the next emergency during those infrequent periods of quiet which he does get; the time never comes when a constantly harried officer can take stock of his work and institute an orderly course. In dealing constantly with emergencies the officer usually finds himself assuming responsibility for important decisions without enough knowledge of his cases.

While classifying all cases to provide effective service to a few is better than total disorganization and ineffectiveness, it is *only* a stopgap. It is not a substitute for a workable caseload which allows enough time for every case.

Whenever a probation or parole department does not give every case the attention it needs, the court and the state become the sponsors not of a necessary public service, but of a treadmill—one which runs endlessly from criminal offense to prosecution to prison, and back to criminal offense, *ad infinitum*.

Unrealistic caseloads (1) harm the client, (2) harm the agency, (3) harm the public, and (4) harm the officer.

Standards Should Be Refined

As I indicated at the beginning of this article, the present standard caseload of 50 units is based primarily on a vaguely defined typical caseload, one which does not take into account a particular department's necessities and problems. It has been useful as a rough measure or rule, and has assisted administrators in securing needed staff; it has not always lowered caseloads.

Where adjusted to fit local conditions, it has withstood the test of time fairly well. For instance: one juvenile probation department with a caseload of 50 work units found that, due to the existence of adequate community treatment resources and an effective intake control, its officers could not handle more than 35 work units because the department accepted only the most aggravated problems. The less serious cases, which usually make up a large part of a juvenile probation department's workload, were being handled by noncourt agencies.

Although the present workload standard has served the field to a degree, it has been too incomplete and unqualified for optimum use. Defending and interpreting it before the public, interested community groups, and budgetary authorities has been difficult.

A national standard, which might appear to need at least as much simplification as a local one, ought also to provide for particular department needs and atypical situations. Here are the variables which ought to alter the standard caseload figure when it is applied to a specific department:

1. *The scope and types of cases handled.*

The standard should state specifically the types of cases to which it is being applied. In one department, the judge refuses to read presentence investigations and puts many poor probationary risks under supervision; in another place, only the surest risks are allowed the grace of probation or parole. Obviously, the officer's caseload ought to be different in each of these departments. In some departments, officers are assigned a wide variety of duties other than the investigation and supervision of probationers. The standard should state the duties expected for the specific kind of case to which it refers.

2. *Staff education and experience.*

Some officers are so poorly qualified that they cannot do a good job even with a caseload of one or two, so their effectiveness is not materially lessened if they have a caseload of 500. On the other hand, many officers are highly skilled and are qualified to offer intensive treatment to a limited number of cases; their skills should not be wasted.

3. *Geographical area.*

In a survey conducted several years ago it was found that one officer had to cover 10 large counties. He was spending more than 40 hours a week in travel! Interviews and other basic duties of the position were carried out entirely on his "leisure" time. The factor of travel time had been ignored in computing the standard caseload.

4. *Office space and equipment, and clerical and other supportive personnel.*

For example, many officers do not have office help and must do all or most of their typing, filing, etc. The time spent this way cuts the amount of time that should be spent on casework, and consequently the number of cases that can be satisfactorily handled.

5. *Social agencies and other resources in the community.*

The presence or absence, and the quality, of these supportive and supplemental aids to probation and parole can make a profound difference in the number of cases that can be successfully handled by each officer.

NPPA's standard caseload figure is based on the expert opinion and experience of administrators in the field (its Professional Council). Experience in the application of this standard has indicated that it is probably on the high side and that the "not more than" should be emphasized in using it.

On the basis of the present standard of 50 supervision cases, each officer, in a 176-hour month (40-hour week), can give each case only 3½ hours a month, or 48 minutes a week. This includes time for interviews with the probationer or parolee, recording, staff conferences, community contacts, travel, preparation of administrative and statistical reports, etc. From this it is

obvious that the "not more than 50 supervision cases" goal is entirely too high.

The method of assigning weights to the several types of duties performed by a particular department is a step in the direction of obtaining a standard caseload which can be defended. But the most promising efforts to arrive at a factually derived caseload standard have been those which account for the time it takes to do a particular job. Urgently needed is an examination of the caseload problem in terms of the *variables discussed above* and the *time required to perform a job of acceptable quality*.

At least two departmental studies which measured the amount of time it took an officer to perform his work have been made in recent years. Because these examined work done in the specific department—not necessarily work of a desired quality—the findings cannot be used as a national standard. The first step toward a useful national figure is the development of *qualitative* standards of work. The second is a time study to determine how much work of this given quality can be performed by an officer in a given unit of time.

If we hope to achieve our ambition—to be a helping profession—we must stop sacrificing quality for quantity and recognize that even the best officer cannot be effective with a large caseload.

Until the hydra-headed monster of politics can be eliminated from our prisons, not to mention our impossible county jails, we may as well give up the attempt to make them agencies of public protection.

—SANFORD BATES

Salaries Are Strategic

JOHN SCHAPPS
Western Director, National Probation and Parole Association

THE general public has yet to discover that *little money* and not *big money* is being expended on correctional treatment services. It has yet to discover the staggering human and material loss it sustains in terms of the uncorrected and the unprotected because of this unfortunate fact. The cost of crime (which runs into billions) is somehow identified in the public mind with the cost of law enforcement, the courts, institutions, and probation and parole. The fallacious conclusion that the cost of crime can be reduced by wholesale cuts in the budgets of these agencies must not be left uncorrected; the reality of the situation must be brought into the home of the taxpayer as his tax statement is.

The only remedy for civic apathy where the support of law enforcement, the courts, and the correctional agency is concerned is public action. Some citizens and some legislators are already informed about the true economy of higher appropriations for probation and parole salaries, but they plead inability to increase salaries or expand staff. The greater number are uninformed and thus are uninterested in or hostile to this aspect of public safety. We must see to it that an increasing number of those who control the fiscal and personnel operations of public agencies not only acknowledge the validity of effective appropriations, but act to make these key correctional services what they must be.

Salaries are by far the largest item on the budget of probation and parole departments—unlike the institution budget, which requires large capital outlay and high expenditures for maintenance and operation.

And it will be the salary factor that will make or break probation and parole. The salary gains made in the last decade come nowhere near meeting the need for pay high enough to attract sufficient qualified staff.

Because competition for personnel among social agencies is so keen, trained and skilled officers can be attracted into correctional services only with pay equal to if not higher than that paid by other kinds of agencies. Probation and parole must build a stable corps of career personnel. Low pay discourages this kind of commitment to the field. A department may have what appears to be a roster of officers large enough to supervise probationers or parolees—but the real job, correctional casework, is not being done if the officers are not skilled at it. It is not the nominal appearance of probation and parole supervision we are after, but the substance.

Effective economic demand expressed in the going price determines the supply of capable staff in any field. Only effective staff can demonstrate the basic soundness of the probation and parole method. The community will judge these services not by theories, no matter how valid, but by results.

NPPA, in its role as a citizens' or-

ganization, is dedicated to two propositions: good salaries are basic to good probation and parole, and good probation and parole are pressing public necessities. This article will consider the professional paycheck, past, present, and future, and comment on ways and means of adding to this all-too-modest item. The data for the review of nation-wide salary changes which have taken place in the last twenty-five years and the salary figures for 1956 come from NPPA surveys.

Then and Now

Back in 1931, the National Probation Association salary roster for probation officers in 237 jurisdictions, which included cities of 20,000 or more,[1] listed the salaries of 1,670 men and women serving as "probation officers," plus salaries of "chiefs" and "deputy or assistant chiefs." No staff supervisors were reported.

Fifteen of the 1,670 officers worked for less than $500 a year. Five made $4,000. But these salaries were exceptional; the average was just over $2,000.

One assistant or deputy chief was receiving less than $1,000 a year; two were in the $6,000–$6,500 bracket. Most made less than $3,000 a year.

Higher on the salary scale were the chiefs, who averaged slightly better than $3,075. One chief (of those reported) received less than $1,000 full-time (per year, not per month); at the pinnacle of the salary mountain was a solitary $9,000 executive.

The 1931 report was not all inclusive; not every eligible department completed a questionnaire, and probation departments in rural jurisdictions not boasting cities as large as 20,000 were not canvassed. Nevertheless it was a good sampling of national levels, since it included large, medium, and small probation units and the three largest position classifications.

It will be recalled that public pay in this depressed period was subject to cutbacks and that dollar-value fluctuations and lower governmental paychecks were followed by recovery, industrial expansion, rumors of war, war itself, and finally the postwar "cold peace"—each general economic rumble having its effect on local, state, and federal salaries in probation and parole.

During this last quarter of a century, changes have indeed taken place in salaries offered probation and parole personnel. Field staff pay still varies tremendously, but the average reported salary of city and county probation officers in 1956 is $3,846—or 92 per cent higher than the average of the early thirties. (This figure is based on the midpoint salary of step plans where such apply.) Chief's pay has also gone up; the average in 1956 was $6,428, an increase of over 200 per cent. The lowest reported chief's salary last year was $2,400; the highest, $18,480.

Such a jump (taking place in a bust-to-boom era) looks spectacular—it gives the illusion of great progress. But the simple figures do not tell what has and what has not happened economically during the last decade.

Postwar Developments

In 1947, according to the NPPA salary report for that year, many probation people were in somewhat higher dollar categories than their predecessors; salaries made a better showing

[1] All of these were local, county, or parish units, except for the District of Columbia, Rhode Island, Utah, Wisconsin, and one federal district court entry (officers: $2,600–$3,000), which were catalogued with the rest. Parole was not included.

on paper—if not better living—than those of the early thirties.

In terms of averages: city and county probation field staff were getting $2,297, $2,522, and $2,985 for work in jurisdictions serving populations of from 100,000 to 250,000, 250,000 to 500,000, and 500,000 and over, respectively. Correspondingly, "directors or chiefs," as they were now designated, rated $3,297, $4,007, and $5,437, on the average.[2]

State probation and parole salaries were included in the 1947 roster, in tabulations separate from local and federal departments. In that year, the chiefs of thirty-eight state probation or parole agencies averaged just under $5,000, and field staff slightly over $2,750.

In the federal service in 1947, officers' salaries ranged from $3,397 to $4,902; chiefs', from $4,149 to $5,905.

This superficial examination of the complete 1947 salary report, cursory as it is, reveals the great deficiencies and disparities in probation and parole compensation rates—deficiencies and disparities which are only partially revealed—that is, to the extent that departments reported at all. What was happening in the nonreporting agencies, and in those cities and counties having less than 100,000 population, must here remain a matter of surmise.

While the 1947 report does indicate the limited advances made by that date over 1931, it is more useful as a point of reference for examining changes and trends to the present day.

The gains visualized by increases between 1931 and 1947 fell short of their promise between 1947 and 1956. And the rise in the cost of living, which is discussed later, has been proportionately greater than the rise in salaries. This loss of acceleration in salaries and the consequent diminution of growth are perhaps the most ominous signs for as young a profession as probation and parole. To gain strength, maturity, and stature, it must have ample economic nourishment in this critical phase of its development.

Salary Structures

Before any more detailed appraisal of these 1956 salary levels is made, two aspects of salary structure which have changed for the better within the last twenty-five years should be explored: provisions for pay increases within a single working assignment—step plans and horizontal promotions—and widespread elimination of discriminatory pay on the basis of race and sex.

In 1931, only eighteen step plans were reported. All other salary schedules contained only single-figure items, indicating that no assured salary advances were in prospect unless the department got an across-the-board increase or the individual a promotion to a better-paying position.

By 1947, pay increases within a single working assignment were potentially, if not automatically, available to one-fifth of all directors or chiefs and to one-half of all field officers.

In 1956, preplanned pay increases applied to one-third of the department heads and to well over two-thirds of the regular staff.

The possibility of remaining a casework practitioner and earning a salary which might exceed that paid a supervisor or other superior (thus avoiding the need to climb the administrative

[2] Because 1952 and 1956 National Probation and Parole Association Salary Reports cover only jurisdictions embracing 100,000 population or more, the material cited from 1931 and 1947 reports refers to these jurisdictions.

ladder) was all but nonexistent in 1931. Recently, however, this situation has changed in local and state agencies (federal service has long provided this advantage).

TABLE 1. NUMBER OF DEPARTMENTS IN WHICH CASEWORKER PAY COULD EXCEED PAY FOR NEXT HIGHER POSITION, 1947, 1956

	Local Departments	State Departments
1947	22 of 276, or 8.0%	15 of 59, or 25.4%
1956	48 of 261, or 18.4%	23 of 58, or 39.7%

Good, Bad, or Indifferent?

How does it all look? "Promising and headed in the right direction"? Yes—but only here and there, and only if we don't go on to ask: "In how many jurisdictions and for how many persons?"

Perhaps we can do a little less generalizing and—even on the basis of the limited facts available to us—come up with a balance sheet for probation and parole salaries.

What's creditable about salaries in general? Very little.

First of all, the fact that there *are* salaries. There are relatively few volunteers. The American taxpaying public is now buying our services extensively, in contrast to the situation a hundred years ago when our country had one probation officer[3] whose work was "for free."

Second, there is the fact that the amounts of salaries *have* gone up; and every single added dollar—whatever its purchasing power—represents a movement in the right direction in an expanding economy.

But it is only in individual departments, here and there, that salaries have gone up to the level at which they ought to be everywhere. We cannot dim the hard light of reality—most probation and parole salaries in the United States are anything but adequate.

The dollars that salaries bring are too few and too feeble. Of these two deficiencies, the second is the more important; the fact that the paycheck doesn't buy enough establishes the truth that it is not big enough.

Each one of us knows how his shoe fits or pinches in daily life. But an individual's earnings are only part of a much broader economic life, involving those who pay as well as those who are paid, affecting the welfare of the taxpayer and the community as well as that of the public employee. The basic instrument for measuring and evaluating individual earnings in terms of the country's economic life is the cost-of-living index.

The cost of living, like death and taxes, is always with us. It is an economic truism that if it sinks too rapidly, the public services are threatened, and if it rises too fast, most pay increases are devoured by higher prices.

It has been rising too fast.

According to the Consumer Price Index of the U. S. Bureau of Labor Statistics, the cost of living rose 50.9 per cent from 1931 to 1947, and 30.2 per cent from 1947 to 1952; in the twenty years between 1931 and 1952, it rose 81.1 per cent. Between 1952 and 1956, the price level rose 7 per cent.

These figures reflect the great increase in prices we have experienced within the last decade, particularly in the immediate postwar years. Their relevance to our salaries is, of course,

[3] *John Augustus, First Probation Officer*, NPPA, 1939.

the question of whether raises in salaries have followed the upward spiral. And, of much more practical import right now, are salaries catching up, or even keeping up, with the current rapid climb in prices?

In many departments they are gaining, or at least holding, and this is encouraging. In too many instances, however, they are not advancing—(there have been two reported instances of reductions!)—and this is the challenge we must meet. Table 3 shows how far probation and parole field staff salaries have risen from 1947 to 1956.

TABLE 2. AVERAGE SALARIES OF DIRECTORS OR CHIEFS ACCORDING TO POPULATION OF JURISDICTION

Population	1947	1952	1956
100,000–250,000	$3,297	$4,411	$5,130
250,000–500,000	4,007	5,012	6,586
500,000 and over	5,437	7,057	8,528

TABLE 3. AVERAGE SALARIES OF FIELD STAFF ACCORDING TO POPULATION OF JURISDICTION

Population	1947	1952	1956
100,000–250,000	$2,297	$3,092	$3,769
250,000–500,000	2,522	3,407	4,269
500,000 and over	2,985	3,776	4,577

But the cost of living in relation to the amount of take-home pay, not simply the gross level of pay, is the important measure. Between 1947 and 1956 the dollar lost about 23 per cent of its purchasing power, and this spelled reduction of income for all, in spite of increases in gross pay.

Interestingly enough, probation and parole salaries in 1956 are from 50 per cent to 75 per cent higher than they were in 1947. Field staff in city and county departments serving populations of 100,000 to 250,000, for instance, were getting 64 per cent more in 1956 than they were in 1947.

On the face of it, this looks like a munificent increase. The percentage by itself may tempt the unwary reader to wonder whether continued requests for probation/parole salary increases are justified, and it also furnishes ammunition of a sort to budgeteers who are opposed to such increases to begin with. But percentage alone, without reference to *number of dollars*, is thoroughly deceptive. For example, the 64 per cent increase between 1947 and 1956, mentioned above, looks "munificent" until we look at the figure on which the increase was based—$2,297. The increase brought this up to $3,769. Does a community of 100,000–250,000 population have a right to demand professional career work at this rate of pay?[4]

How fared the probation officer in the largest jurisdictions, those of populations of more than half a million? His salary in 1956 was 54 per cent more than in 1947—when he was making $2,985. Gratifying as it may be, the increase to $4,577 is hardly enough to support his family—to say nothing of sending his children to college (and to say even less of paying their way through a graduate school of social work where *they* might get training for careers in the probation and parole field).

Unless this picture changes drastically for the better, probation/parole work will, before too long, become the province of (1) those who are dedi-

[4] According to an article in the New York *Times Magazine*, April 8, 1956, a busboy in a modest restaurant makes $4,000 a year; a waitress, $5,200.

cated to this kind of career and are able to stay at it because they have an income from other sources; (2) those striving to make it professionally respected and economically respectable, meanwhile enduring the sacrifices their wholly insufficient income forces them to make; (3) those for whom it is just a temporary stopgap before acceptance of a higher paying position in another field; and (4) those who are completely unqualified for the work but prefer it to working at a menial job at about the same rate of pay.

Not a pleasant picture, but one that must be faced—and changed.

According to a story appearing in the New York *World Telegram*, February 2, 1956, "Only 74 persons have applied to take the State Civil Service exam for parole officer on February 18—a vivid illustration of the deterioration of what once was hailed nationally as a model parole system. Low salaries and failure to add personnel to help carry the steadily increasing caseload have brought about a decline in morale and efficiency in one of the state's most vital services."

As for the broad field of social work, in which correctional services in many respects properly belong, salaries of probation and parole officers sometimes lead the way for their fellow-workers in other agencies. It is a case of the poor leading the poorer.[5]

Major shortcomings in salaries and in the administration of them make up a long list. Among them are lack of automatic cost-of-living adjustments, vast gaps between salaries and the professional standards of work they are expected to support, and inadequacy of perquisites such as leaves and expense allowances. They add up to one fact—the continuing danger that inadequate salaries will cripple recruitment and personnel standards.

Classification Counts

Two administrative processes that should receive considerable attention in connection with salaries are "position classification" and the method of setting and raising salaries.

Position classification is the sorting and ranking of jobs in a progressive sequence on the basis of comparative difficulty and responsibility. It is impersonal, concerned with the job and its function rather than with the individual who happens to be performing the job at a particular moment.

The demands made on probation and parole officers—demands of knowledge, skill, and responsibility—are heavy. If probation and parole work is to be classed realistically and fairly in comparison with other governmental functions, the classifier must have complete information about these varied demands of the job. The probation function has too often not been recognized by position classifiers as the important court adjunct it is; the work has not been classified on a par with the legal officers who bear a similar relationship to the administration of justice. It has not been classified on a level with other law enforcement work. In short, it has not been equated with the work of other personnel in the community who carry a similar responsibility, controlling and influencing the lives of human beings.

[5] For an analysis of social work compensation, including certain probation salaries, see *Social Workers in 1950, A Report on the Study of Salaries and Working Conditions in Social Work—Spring, 1950*, prepared by the Division of Wages and Industrial Relations, Bureau of Labor Statistics, U.S. Department of Labor, and published, 1952, by the American Association of Social Workers.

The Los Angeles County Probation Officers Union publication records the following comment on the probation officer's function in California:

In the past 12 years, the Union has been engaged in a continuous struggle to improve probation salaries in this County. This has been on the basis of a fundamental reconsideration of the status of probation officers as members of a profession and as court officers required to have specialized training and skills and to exercise elements of judgment second only to that of judges in the courts in which probation officers serve.

Probation officers perform their duties with probably less legal procedural restrictions than any other professional group serving the courts. This condition serves to emphasize the serious need for probation officers who have a high degree of professional training, personalities which invite respect and which can condition and modify the conduct of those in their charge, and who are capable of evaluating information, forming judgments and making recommendations on which the courts can act with confidence and trust.

This is the kind of person needed to adequately staff our probation system. This is the kind of person who is in greatest demand in our spiraling labor market and who can now find employment in other occupations offering better pay and opportunity for personal advancement.[6]

Reclassification is a potential method for up-grading positions and thus facilitating salary increases.

More susceptible of modification (difficult as it may be) is the salary rate. Multiple step plans, "horizontal" promotions, and increments without promotions should be exploited as part of the drive to raise salaries.

[6] Milton L. Most, in an address before the California Special Study Commission on Correctional Facilities and Services, reported in *Probationgram*, Los Angeles County Probation Officers Local 685, A.F.S.C.M.E., November, 1956.

Here is a summary of the elements of a good salary system:

One of the criteria of a sound pay plan is the provision it makes for rewarding length of service. A constantly recurring problem in the field of management is the promotion of employees on the basis of quality of work and length of service. The classification plan, when compiled with a provision for automatic within-grade pay increases for employees whose efficiency rating is good or better, helps to provide a satisfactory solution. . . .

An employee should be paid according to what he does, according to how well he does it, and, to a certain extent also, according to his length of service. Certain economic factors should also be considered, such as recent changes in the cost of living, how much is necessary to permit the employee to maintain a socially desirable standard of living, what private employees pay for the same type of work, and what final pay decisions for all employees will cost the government or, more accurately, the taxpayers.[7]

But to formulate specifications and then determine what salaries should be on the basis of these specifications—this is another and more difficult matter. Many complexities are encountered; rates proper in one department do not necessarily suffice for another. Probation and parole organizations vary in size, in allotted budget, and in scope of service; differences in administrative and supervisory salaries should take account of these factors. There are special jobs in the field which call for particular "knowhow"—these should be paid for at a higher rate.

Probation and parole are but two of many functions of government. Salary rates in the field represent the resolution of many outside forces.

[7] Ismar Baruch, *Position Classification*, Civil Service Assembly of U. S. and Canada, Chicago, 1941, pp. 2-3.

Innumerable factors enter into the determination of compensation, including considerations of social policy, of tradition and custom, of worker or industrial productivity, of labor supply, bargaining power, and so forth. In general, however, most of these factors may be classed under the headings of economic considerations and ethical or social considerations. Much of the confusion in wage discussions arises from a failure to recognize clearly these two groups of factors and to realize that few wages are determined without some consideration of both.[8]

The "economic" questions about probation and parole salaries are: What is the relationship between pay rates and valid position classification? How do salaries in the field compare with those paid by the best private employers? How stable are the real earnings of probation and parole officers?

The "ethical and social" queries we must make of our salary rates are: To what extent are employee standards of living met by them? Do they promote staff efficiency and morale?

There are many techniques for evaluating a salary situation in an individual department, but it is the probation and parole field in general with which this article is primarily concerned. In fact, any general advance in salaries tends to become all-inclusive, just as a high salary in one bracket tends to raise all those at lower levels.

The correctional field needs good pay rates everywhere; the grave problems to be solved through probation and parole do not vary greatly from jurisdiction to jurisdiction; salaries (and the services they can buy) should be raised throughout the nation.

[8] O. Glenn Stahl, *Public Personnel Administration*, fourth ed. of work by Kingly, Mosher, and Stahl, Harper, 1956, p. 212.

Look to the County Courthouse

Salaries make or break probation and parole. We would do well to explore what makes or breaks salaries.

Go no farther than the county or parish courthouse to find the local arbiters of probation paychecks. (In some cases ceilings are imposed by state laws.)

Most probation units—from the large department to the "one-man office"—although attached to the courts as a service, are dependent for salaries and staff on the pleasure of the local county commission.

Unfortunately for probation in the U. S. A., the county level of government is notoriously the poorest—happy exceptions notwithstanding. It is poor structurally: it generally represents government by a committee whose legislative and policy functions are mixed with administrative and management tasks; it is government that lags in the development of public services.[9] It is poorly financed—all but squeezed out in its competition with federal, state, and city units in the scramble for tax revenue. Although numerically the county is our most prominent agency of government—there are over 3,000 counties in the U. S.—it is nonetheless at the bottom of the monetary totem pole and hence relatively poor in terms of personnel.

Whether probation is destined to remain in this setting and whether subsidy is the way to enhance its budget are issues outside the scope of this discussion. The question we face now is how to secure the salary appropriations and staffing authorizations which will deliver local probation from its lingering case of administrative anemia.

[9] See Dr. Henry Reining, "Recent Advances," *The County Officer*, July–August, 1956.

It can be done.

For one thing, if the public demands more and better services, county government will inevitably have to answer. And county commissioners, like other people, are susceptible to "selling" where probation is concerned. For another, organized labor is eyeing this last frontier. There is also the courts' growing willingness to demand that their needs for probation staff be properly met.

As in all public endeavors in a democracy, salaries can be raised by stimulating public interest, understanding, and effort. Professional and lay friends of probation must play a major part in this effort, for which the local community is necessarily the focus.

Rural counties—which constitute 90 per cent of all our county governments—particularly demand our attention.

Oddly enough, these rural counties are also the key to expanding the budgets, and hence enlarging the salaries, of *state* probation and parole agencies. For it is the representatives from those areas who form a legislative majority. The legislators from rural counties must be sold on the need for better financing of the correctional field and the advisability of underwriting probation and parole services, if the flow of funds is to increase over its present meager volume. A few states have made gains—so it can be done.

More money for federal probation and parole services may depend in part on the same grass-roots approach.

Mediocrity's Dead Level

Whether they work in city, county, state, or federal offices, probation and parole people have one worthy objective in common: using effective correctional methods to lick the problem of delinquency and crime. They have one need in common: the wherewithal to achieve that goal. On the side of their success are two great potential forces.

One is the pressure of overpopulated, expensive institutions, which is already forcing the expansion of probation and parole. The other is the probability of popular acceptance and support for a good thing; public sufferance can one day evolve into public support. The first spells an economic demand for expansion of probation and parole services; the second, better salaries for officers.

We would do well to stimulate these forces. If we fail to move ahead at the pace that public welfare requires, we face the danger not of becoming extinct, but of living in a perpetual state of anemia. Look at the typical county jail for an example of an institution which the public concedes must exist, but which it maintains only at the level of labored breathing.

This is a fate which many a department—especially many a county department—already is suffering, sometimes in obscurity and sometimes in the glaring light of hostile publicity.

Probation and parole can settle for no such status—neither in terms of the public services they provide, nor in terms of salaries received.

Office Space and Equipment

FREDERICK WARD, JR.
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SAM Hanson, writing for the San Jose *News*, recently had the following note in his column:

"[The judge] conducts his courtroom hearings in a room used by the staff for clerical work and cluttered with desks, typewriters and files, and other office equipment. When court is in session, the judge and the participants are crowded into one portion of this room. The only change in the other portion is that the employees stop typing or doing the noisy things that would disturb the court procedure."

A recent NPPA survey in Texas states:

"To put it plainly, it is a disgrace to a community of this size that one of its most important courts must *borrow* an office in which to hold its hearings. Juvenile court hearings are held in the office of the chief probation officer for lack of satisfactory quarters. . . . The county juvenile office is presently housed in very inadequate quarters on the second floor of the county courthouse; probation officers must work two to an office; the waiting room is small and depressing; clerical staff is crowded into extremely inadequate space; and both payors and payees in nonsupport cases line up in the main hall outside the juvenile office. In addition, office space is poorly arranged, so that there is no natural flow of business or focal point of related activities."

From the Knoxville *News-Sentinel*:

"Juvenile court has about the poorest physical facilities for the important job it performs of any place you'll find. Out in the central lobby, where somber-faced brothers and sisters may have to wait several hours for a youngster's case to come up, is where space is really inadequate. Fifty or sixty persons are usually present on court days and many must stand crowded together until their case is called. They may stand up several hours. Just as bad, if not worse, are the office conditions of the court officers, who have desks side by side in a tiny room. In this office, they interview persons. How can an effective job be done when one is talking to a woman about a paternity case while another is trying to straighten out a wayward youngster?"

Such conditions are not limited to juvenile courts. An NPPA survey in Connecticut a few years ago reported the following conditions in the state's 67 adult probation departments:

Only one of all the departments had a private office; 38 shared office space in the court house or the town hall with judges, prosecutors, and court clerks; 8 had desk space in the welfare office or police headquarters; 7 had "offices" in their own business establishments; 12 had "offices" in their homes; one had no office. Fourteen departments had no room for files and records; 38 did not even have a

typewriter. The 87 adult probation officers in the 67 courts had a total of 12 secretarial and clerical assistants, 5 of them part-time. "A result of the lack of clerical help is that probation officers keep important notes pertaining to their cases on scraps of paper and in looseleaf notebooks, with few keeping the records required by statute. In many courts the clerical work required of probation officers, in the absence of clerical workers, has relegated the probation service to little more than a bookkeeping and tally card system. In other courts there are not nearly enough clerical assistants and the few that are available are not assigned according to the amount of probation and collection work done by the office or according to the number of probation officers. One court has three full time probation officers with no clerical workers to assist them. Another court that has four full time probation officers has only three clerical workers to handle a huge collection business, type presentence reports, and maintain supervision record files; by conservative estimates this probation office is two years behind in typing of reports and maintenance of records, and it is dropping farther behind weekly."

A survey of the municipal court probation department in a large Midwestern city found the chief probation officer sharing an office with a deputy and a secretary, and the assistant chief and another deputy sharing an office entered through a woman deputy's office. When two of these supervisory officials must interview two families at the same time, and the secretary in their office is typing, private and uninterrupted discussion is, to say the least, impossible.

A recent report of the adult probation department in one of our most important industrial centers states:

"For office accomodations, the probation officers have one small room back of the criminal courtroom, equipped with a desk, five chairs, and a filing cabinet. There is just about room for the chairs between the desk and the walls. A telephone cord from the wall to the desk presents a hazard to anyone attempting to walk around. The only waiting accomodation is the courtroom itself, which is crowded during court sessions. When both probation officers need to interview defendants at the same time, as frequently happens, one of them sometimes uses the judge's chamber or a small courtroom, if one is available.

"During court sessions, persons referred by the court are interviewed by the probation officer in this small room, with the telephone ringing and nobody but a probation officer to answer it, with people who are waiting knocking on the door, and occasionally a court officer bringing a message from the judge. When one probation officer is interviewing a defendant and the other is working at the typewriter, the additional noise makes interviewing still more difficult."

A statewide survey of parole services in New Jersey found inadequate office facilities and equipment to be a major impediment to good parole work in that state, and to have a demoralizing effect upon the staff. Desks and chairs in several of the offices were in a poor state of repair, and some of the offices were in need of paint and were poorly lighted. The lack of private offices required parolees and their families to be interviewed in the presence of others.

In the course of consultation visits all over the country, NPPA consult-

Dayton *Journal Herald*

Crowded conditions with which the Dayton, Ohio, juvenile court contends are illustrated in this picture. A stairwell in the courthouse was converted into a makeshift mezzanine, and it was this platform that was allotted to the probation department. Note the cramped quarters and the lack of privacy in this "office." The quarters are so close here that the photographer could not get back far enough to get more of the desk at the right. The man seated at the right is a probation officer; his desk is partially beneath the stairway that leads up to the second floor. In order to get to the probation department, one must go up to the second floor from the lobby and then down the stairway to the platform.

ants have visited probation and parole offices located in courthouse basements, attics, and even in closed off stairwells.

Design for Function

There is a brighter side, however. Some probation departments are housed in buildings designed to meet the needs of the agency. The Corpus Christi department, for instance, is in the new air-conditioned juvenile court building, a show place for community pride which reflects good will toward people in trouble. It was constructed under the supervision of a building committee of leading citizens; its contemporary design, enhanced by thoughtful use of materials, textures, and color, achieves an

atmosphere of dignity and comfort. From the central waiting room, probationers and their families can see a well landscaped garden through glass paneled walls. Large tropical plants decorate the interior. Each probation officer has a private office which is adequate in size and proportion, and attractively furnished. Acoustical ceilings and indirect lighting are used throughout the building. The juvenile court room can be reduced or expanded in size, as needed, by the use of a folding room-divider. When in session, the court usually uses the smaller dimension; the section excluded provides a special waiting room for persons involved in hearings. When court is not in session, the full-sized room can be used for staff meetings, conferences, board and committee meetings, and in-service training sessions. The building was designed and located so that it can be easily enlarged as the need for additional staff and services develops.

Akron *Beacon-Journal*

This picture of a portion of the juvenile probation department office in Akron, Ohio, shows why the Citizens Advisory Board of the Summit County Juvenile Court has had a subcommittee studying crowded office conditions. The lack of privacy for interviewing is one of the reasons why the voters in last November's election authorized a bond issue of 1½ million dollars for the construction of a new juvenile court center and detention home (see p. 168).

Choosing a Site

Where should the office be located?

As a rule, the offices in smaller communities have been located in already overcrowded courthouses, where space is extremely limited and working conditions therefore deplorable. Unless adequate quarters which promote the efficiency and effectiveness of the service by providing a setting of quiet, order, and permanence can be provided in the courthouse, it is recommended that offices be moved outside it. As a matter of fact, a site outside the courthouse has many advantages, including that most important one, a better psychological setting for casework treatment.

Juvenile courts, as well as family or domestic relations courts, are being housed more and more in quarters separate from other courthouses. This is true even in communities constructing new courthouses. Frequently, the juvenile court building is on the same site as the juvenile detention home. In fact, most communities building detention homes now locate them on sufficient acreage in anticipation of the construction of a court building on the site at a later date.

This trend is less strong for adult probation departments—so that, except for the small or "one-man" office, possibilities of new housing for the central adult probation staff in a large community is restricted to the remodeling or construction of new courthouses, annexes, or county administration office buildings.

When the opportunity arises for fresh planning—whether in a separate building or general court or administration building—serious thought should be given to the layout and design of space, so that comfort of both staff and clients is assured, flow of work and traffic expedited, and future expansion anticipated.

General Office and Equipment Needs

The space and equipment needs of probation and parole agencies vary all the way from the "one-man" department or sub-office to those in large urban centers employing several hundred personnel. For this reason, development of a standardized design and office layout is extremely difficult—if not impossible. However, there are certain space and equipment needs essential to every department, including the one-man office: a comfortable and pleasant waiting room, privacy for interviewing and dictation, an office for a secretary who may act as receptionist and file clerk (and teller and bookkeeper as well if collections for nonsupport or restitution are included in the function of the office). The minimum space requirements, therefore, would appear to call for at least three rooms, arranged to insure privacy and easy flow of traffic.

Office layout must be based on the agency's function. Some departments handle both juvenile and adult cases; some collect and disburse support payments, fines, and restitution; others (especially juvenile and family probation departments) do marriage or neighborhood counseling, place children in foster homes, operate adoption homes, provide aftercare or juvenile parole services, or administer county institutions, psychiatric clinics, and group therapy sessions. For each of these tasks, space and equipment requirements are different. Locating them functionally in the space allotted to the department is a real challenge—to the administrator, staff, architect, and building committee.

Specific Points to Remember

Here are 15 items which, though they do not add up to a blueprint, will help the planning of office layouts by giving the dimensions of recurrent problems:

1. *Study the total operation, function, and staff expansion needs of the department before preparing sketches.*

This may sound like superfluous advice to experienced administrators, but many a layout has been found to be inadequate after the brick and mortar have set because of failure to consider all needs. For example: a new building was recently constructed for a juvenile court which provided an excellent arrangement of space for current staff. Later, an NPPA study of this department found the staff to be only 25 per cent of its necessary strength. When its staff has been enlarged to provide the service it should, the new building will not house the personnel. And unfortunately this building was not designed with expansion in mind—additional space will make a patchwork and will disrupt the now well-planned work areas which in turn will lower the staff's efficiency. One possible solution will be the creation of district offices (see number 13).

2. *Plan to have several separate waiting rooms.*

The single waiting room of large departments always appears to be crowded. Because of the personal nature of the problems of those who come to the office, there are advantages in providing privacy to visitors through the use of small waiting rooms or alcoves close to the worker for whom they are waiting. One large department has waiting alcoves for each four or five offices. As a result, persons are distributed throughout the building, rather than knotted together in a common area.

Toledo's Family Court Center has separate waiting rooms for each service area, with the furniture arranged in conversational groupings for small family units rather than in the conventional wooden bench pattern followed in most institutions. Their experience is that the lack of crowding reduces the usual fears and tensions found in a court setting and that the restful and varied colors and attractive modern furniture serve to calm the most agitated families.

If the courtroom is also in the building, several waiting rooms are needed; the court's waiting room should not be combined with the department's. The anxieties of persons awaiting court hearings should not be shared with persons waiting for probation or intake interviews who may also be upset and disturbed, or with the general public. Ideally, intake should have its own waiting rooms plus at least one secure waiting room for extremely hostile and aggressive individuals.

The courtroom should have more than one entrance, so that persons leaving court hearings will not have to pass through the group still awaiting hearings. The court usually needs, also, a special security room for youngsters who have to be detained temporarily, after the court hearing, until they can be taken to the detention facility when this is not located on the same site as the court building.

3. *Private offices are a must.*

Private offices for each worker should be at least 9′ x 11′. A five-foot desk and seating to accomodate up to three persons in a group interview are necessary equipment.

Office of the Director, Family Court Center, Toledo, Ohio

Supervisors should have somewhat more space so that group supervisory conferences for up to six people can be held in their offices. The chief probation officer and certain deputy assistants should have enough space for staff meetings of supervisors and division or section heads.

Larger quarters should be available for general staff meetings.

4. *Provide a separate area, if not a separate entrance, for payors and payees of court order payments.*

In fact, many departments have cut down traffic by receiving and disbursing payments by mail. The officer in charge of collections and disbursements should have a separate telephone number because the nature of his job places a severe strain on telephone services. Several of the major business machine companies have designed special equipment for handling check writing, posting, and accounting. Such companies ought to be invited to survey needs and recommend necessary equipment and methods to expedite the flow of work.

5. *Plan a clerical pool and use dictating equipment.*

A central clerical pool and dictating equipment can greatly expedite secretarial services and speed the flow of dictated case material. If each officer cannot have dictating equipment,

dictating rooms should be provided and scheduled for use.

6. *Keep records in a central file.*

Records should be checked out like library books and returned at the earliest possible moment. Phonetic locater systems can greatly expedite the finding of records. Records should be kept in *one* place.

7. *Provide a conference room.*

One department has a conference room for meetings, staff training sessions, etc. This is far better than doubling up the function of the chief's or judge's office.

8. *Have a staff lounge.*

Probation officers, certainly more than employees of banks, factories, and department stores, need a place to rest, drink a cup of coffee, and relax for a few minutes at least. Most workers need a place to discharge their own feelings after an emotionally charged session with a parent or child or complainant.

9. *Plan sufficient parking space.*

These days, cars are getting not only lower but longer, and almost everybody arrives by car. Workers, clients, the public, and members of other agencies need temporary park-

One of the five waiting rooms on the main floor of the Family Court Center, Toledo, Ohio

ing space. Without it, tempers sometimes flare and blood pressures rise.

10. *Make it cheerful.*

Don't be afraid to use color. The Toledo Family Court Center's color scheme is designed for harmony and variety—twelve different colors of wall tile, seventeen colors of cinder block, three colors of floor tile, and mixed color schemes in most rooms and halls. It provides a restful atmosphere for clients as well as probation workers. Practical modern office furniture and furnishings can add to the harmony of the design and color and are often less expensive and more durable than furniture of conventional design.

11. *Why not have a small play room and yard?*

Frequently, parents coming to the department must bring preschool age children with them. It is disconcerting, to say the least, to conduct an interview with a mother over the demands of a couple of small children. Department stores and supermarkets now provide play rooms. Why shouldn't probation departments do so?

12. *Plan logical relationships among all work areas.*

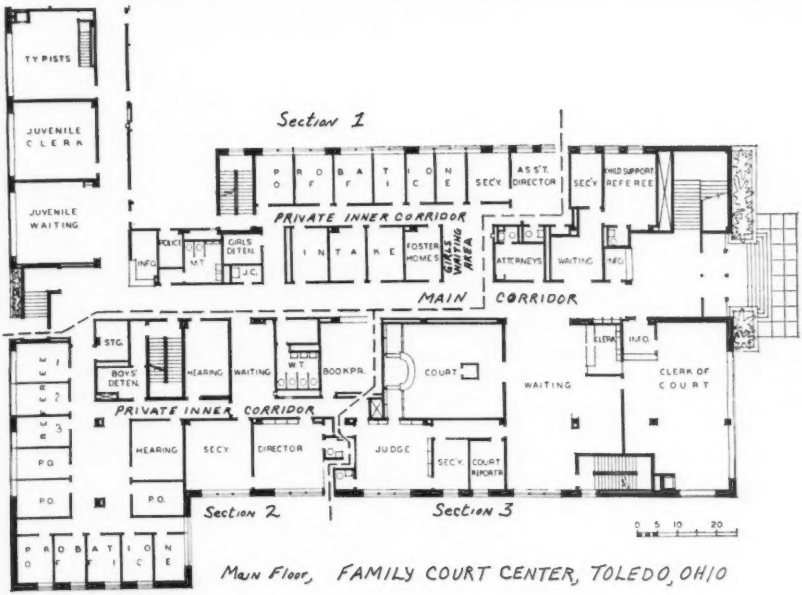
Thought and attention to area relationship can pay big dividends later. Areas should be planned to expedite the flow of traffic from reception and waiting room to field staff, and between these and supervisors, administrators, clerical staff, files, courtroom, meeting area, lounge, and rest rooms. Some departments will also include plans for clinics, group therapy rooms, and play areas. As any housewife can tell us, the relative location of the refrigerator, stove, and sink in a kitchen can make her work a pleasure or a drudge.

13. *Consider establishing district field service offices.*

Rather than attempting to put everything under one roof, certain communities have established district offices within the city or county. Administration, intake, central files, and certain general services remain in a central office, but field staff are located throughout the community. Such a plan has a number of housing, administrative, and service advantages. It is suggested that district offices be staffed with one supervisor and five probation counselors, so that each district will represent a logical staff unit. This will enable flexibility in assignment of cases according to individual skills of personnel within the unit. All specialized services would remain in the central office. District offices should be located near the center of the district they serve. Since they may need to be shifted from time to time with changes in population and caseload, such quarters should probably be rented rather than owned.

14. *Get a citizens advisory committee to help with the planning.*

Recently, a disappointed chief probation officer reported that the architects and governing body of his county had decided to put the entire probation department in one large nonpartitioned room because they found that new quarters for a law-enforcement agency in another city had been planned that way. The layout looked more suitable for the city room of a metropolitan newspaper than for a probation department; it will set back the department for years to come and



Main Floor, FAMILY COURT CENTER, TOLEDO, OHIO

Section 1. Girls Probation area. Offices of counselors and foster home department open on an inner corridor leading to the office of the assistant director (girls referee).

Section 2. Boys Probation area. Offices of all counselors, supervisors, and administrative assistants open on an inner corridor, with direct access to the director's office, thus making it possible to transact all business without going into the public corridor.

Section 3. Adult area. It is so designed that all business relating to an adult case car be transacted here; persons involved find it unnecessary to go to other parts of the building.

Note:

A. Children in detention may be brought to a counselor's or referee's office via an inner stairway and corridor without going through any public area.

B. Five separate waiting areas make it possible to avoid congestion and at the same time keep the clients adjacent to the office of the counselor or referee who will hear the complaint.

C. Work rooms are so arranged that children's cases are heard at one end of the building (girls: north area, Section 1; boys: south area, Section 2) and adult cases at the other end (Section 3).

D. The court clerk has two offices, one at the west end of the floor for juvenile matters and the other at the east end for adult matters.

E. A receptionist's information desk faces the entrance at each side of the building. All inquiries received here are immediately routed to the person who will hear the complaint.

F. The cashier's office, used by both adults and juveniles, is in the center of the building.

The total effect of the arrangements noted above is a reduction of traffic within the building and a consequent increase in efficiency.

will add untold confusion and expense to its burdens.

By contrast, a bond issue of 1½ million dollars for a new juvenile court center and detention home in Akron, Ohio was passed last November, largely through the efforts of a citizens committee. The committee privately financed the public relations program, which included publication of appealing pamphlets explaining the problem and the need for the new buildings. Passage of the bond issue was the culmination of the committee's work, which began when it asked NPPA to conduct a survey of the Summit County Juvenile Court and Detention Home. The crowded and inadequate conditions found at the time of the survey are pictured elsewhere in this article. (See page 161.)

Perhaps most of the really good layouts have been produced through the interest and efforts of a citizens advisory committee acquainted with the functions and needs of the agency. The best time for such a committee to start its work is *early—now—as soon as possible*—not after preliminary sketches have been drafted.

15. *Seek advice.*

NPPA is interested in all aspects of the physical setting of probation and parole work. Its district and headquarters staff members will be glad to discuss with you your problems of office layout and design; what's more, they will help you put across the ideas that will best solve these problems.

Probation officers should properly be engaged in establishing and maintaining a treatment program for individual clients. Skills in treatment that may be developed by a training program are wasted if an officer's time is given over to procedural duties, running errands for the court, doing clerical work, or waiting around hour after hour for court hearings. Furthermore, no staff training program can challenge workers who are harassed by excessive caseloads, makeshift quarters, poor pay, and uncertain tenure. Such frustrations in any job situation can stifle the finest of skills, depress morale, and dull incentive for growth through training.

—*Training Personnel for Work with Juvenile Delinquents*

A Father and His Perverse Son

The First Example of Juvenile Delinquency in the Recorded History of Man

SAMUEL NOAH KRAMER

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IF juvenile delinquency is a serious problem in our day, it might be consoling to know that things were not too different in ancient times. Wayward, disobedient, and ungrateful children were the bane of their parents thousands of years ago just as they are today. They roamed the streets and boulevards and loitered in the public squares, perhaps even in gangs, in spite of the fact that they were supervised by a monitor. They hated school and education and made their fathers sick to death with their everlasting gripes and complaints. All this we learn from the text of a Sumerian essay, which was only very recently pieced together. The seventeen clay tablets and fragments on which the essay was inscribed actually date back some 3,700 years; its original composition may go back several centuries earlier.

The introduction of the composition, which may be entitled "A Father and His Perverse Son," consists of a more or less friendly dialogue between father and son, in which the latter is admonished to go to school, work diligently, and report back without loitering in the streets. To make sure that the son has paid close attention, the father has him repeat his words verbatim.

From here on the essay is a monologue by the father. It starts with a series of practical instructions to help make a man of his son—not to gad about in the streets and boulevards, to be humble before his monitor, and to go to school and learn from the experience of "the first generations" of man. Following this the father bitterly rebukes his wayward son, who, he says, has made him sick unto death with his perennial fears and inhuman behavior. He is deeply disappointed at the son's ingratitude: he never made him work behind plow or ox, nor did he ever ask him to bring firewood or support him as other fathers make their sons do. And yet his son has turned out to be less of a man than the others.

Like many a disappointed parent of today, the father seems to be especially hurt that his son refuses to follow his professional footsteps and become a scribe. He admonishes him to emulate his companions and brothers and to follow his own profession, the scribal art, in spite of the fact that it is the most difficult of all the professions that the god of arts and crafts thought up and brought into being. It is most useful, the father argues, for the poetic transmission of man's experience. But in any case, he continues, it is decreed

Tablet in the University Museum in Philadelphia (No. 29-15-195) inscribed with an extract of the document showing that "juvenile delinquency" was not as unknown in ancient days as is commonly thought. This tablet, 2″ x 3″, was excavated in Nippur more than half a century ago. It dates from about 1750 B.C., but the inscription on it may originally have been composed considerably earlier.

by Enlil, the king of all the gods, that a son should follow his father's profession.

After a final upbraiding for the son's pursuit of materialistic success rather than humanistic endeavor, the father recites what appears to be—the text here becomes rather obscure—a number of brief, pithy sayings, intended perhaps to guide the son to true wisdom. At any rate he closes the essay on a happy note, blessing his son and praying that he find favor in the eyes of his personal god, the moon-god Nanna, and his wife, the goddess Ningal.

Sumerian Education

The humanistically minded author of this essay was an anonymous professor who taught in one of the more noted Sumerian academies, probably the one located in Nippur, about a hundred miles south of modern Bagdad, where the majority of the tablets inscribed with its text have been unearthed. Its primary purpose is obvious: it served to glorify the value of formal education and thus attract paying students to the even then far from "well heeled" halls of learning. Its glowing and extravagant words were copied and memorized by pupils, who recited it to their parents, who in turn, no doubt, repeated it to their friends and kin with enthusiastic words of approval.

Actually there is good reason to believe that Sumerian education was rather dreary and uninviting, and the tender, guileless youth certainly had no easy time of it. He attended school from sunrise to sunset, day in and day out, from early youth to young manhood, with probably but few holidays and breaks. The curriculum was relatively broad and complex; the school was the center of practically all scientific knowledge and literary activity. But the teaching methods were drab and unimaginative; they consisted largely of copying and memorizing long lists of words or literary excerpts.

The Sumerian school, then, it is safe to say, was not tainted in any way by what we would call progressive education. Above all, discipline was harsh. Teachers depended primarily on corporal punishment for correcting the students for their failure and inadequacies; there was no sparing of the rod. So much so that, according to another Sumerian essay dealing with school life published some years ago, one student was brought to the point where he had to do considerable "apple polishing" in order to make school life bearable: he had his well-to-do father invite the professor home and shower him with gifts. In short, as is often true today, the school itself was responsible for at least some aspects of "juvenile delinquency."

Here now is a translation of the more intelligible parts of the essay, omitting all lines which are still obscure. The first speaker is the father; the second, the son:

"Where did you go?"

"I did not go anywhere."

"If you did not go anywhere, why do you idle about? Go to school, stand before your school father [professor], *recite your assignment, open your school bag, write your tablet, let your big brother* [assistant teacher] *write your new tablet. After you have finished your assignment and reported to your monitor, come to me, and do not wander about in the street. Come now, do you know what I said?"*

"I know and I'll tell it to you."

"Come, now, repeat it to me."

"I'll repeat it to you."

"Tell it to me."

"I'll tell it to you."

"Come on, tell it to me."

"You told me to go to school, recite my assignment, open my school bag, write my tablet, while my big brother is to write my new tablet. After finishing my assignment, I am to proceed to my work and to come to you after I have reported to my monitor. That's what you told me."

[The father now speaks a long monologue:]

"Come now, be a man. Don't stand about in the public square, or wander about the boulevard. When walking in the street, don't look all around. Be humble and show fear before your monitor. When you show terror, the monitor will like you.

[Here was a passage of about fifteen lines, destroyed. The father's monologue continues:]

"You who wander about in the public square, would you achieve success? Then seek out the first generations. Go to school; it will be of benefit to you. My son, seek out the first generations, inquire of them.

"Perverse one over whom I stand watch—I would not be a man did I not stand watch over my son—I spoke to my kin, compared its men, but found nothing like you among them.

"What I am about to relate to you turns the fool into a wise man, holds the snake as if by charms, and will not let you accept false phrases.

"Because my heart had been sated with weariness of you, I kept away from you and heeded not your fears and grumblings. Because of your clamorings, I was angry with you. Because you do not look to humanity, my heart was carried off as if by an evil wind. Your grumblings have put an end to me; you have brought me to the point of death.

"Never in all my life did I make you carry reeds to the canebrake. The reed rushes which the young and the little carry, never in your life did you carry them. I never sent you to dig up my field. I never sent you to work as a laborer. I never in my life said to you, 'Go, work and support me.'

"Others like you support their parents by working. If you spoke to your kin and appreciated them, you would emulate them. Each of them provides ten gur [75 bushels] *barley—even the young ones provide their fathers with ten gur each. They multiply barley for their father, maintain him in barley, oil, and wool. You're a man when it comes to perverseness, but compared to them you are not a man at all. You certainly don't labor like them—they are the sons of fathers who make their sons labor, but me, I didn't make you work like them.*

"Perverse one with whom I am furious —who is the man who can really be furious with his son—I spoke to my kin and found something that has hitherto gone unnoticed. The words which I shall relate to you, fear them and be on your guard because of them. Your partner, your yokemate—you failed to appreciate him; why do you not emulate him? Your friend, your companion—you failed to appreciate him; why do you not emulate him? Emulate your older brother. Emulate your younger brother. Among all mankind's craftsmen whom Enki [the god of arts and crafts] *called by the name* [brought into existence], *no one whose work is as difficult as the scribal art did he call by name. For if not for song* [poetry]*—like the banks of the sea, the banks of the distant canals, is the heart of the song far-reaching—you*

wouldn't be listening to my counsel, and I wouldn't be repeating to you the wisdom of my father. It is in accordance with the fate decreed by Enlil for man that a son follows the work of his father.

"Night and day am I tortured because of you. Night and day you waste in pleasure. You have accumulated much wealth, have expanded far and wide, have become fat, big, broad, powerful, and puffed. But your kin waits expectedly for your misfortunes, and will rejoice at it because you looked not to your humanity.

[Here follows an obscure passage of forty-one lines consisting of proverbs and old saws; the essay then concludes with the father's poetic blessing:]

"From him who quarrels with you, may Nanna, your god, save you;
From him who attacks you, may Nanna, your god, save you;
May you find favor before your god.
May your humanity exalt you, neck and breast;
May you be head of your city's sages;
May your city utter your name in favored places.
May your god call you by a good name;
May you find favor before your god, Nanna;
May you be regarded with favor by the goddess Ningal."

Legislation and Court Decisions, 1956

SOL RUBIN
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SEVERAL 1956 enactments affecting adult probation were notable advances. State service was established in Georgia and expanded in Kentucky and Massachusetts; Mississippi authorized probation (although limiting it to first offenders), and set up a state probation service. Oklahoma and New Mexico remain the only states without a general statewide law authorizing probation for adult offenders. In Rhode Island a presentence investigation became mandatory in all cases in which a sentence of more than one year might be imposed.

In the field of delinquency and youth crime control, New York passed a pioneering statewide youth court act; it made the Youth Commission permanent and expanded its work. In Pennsylvania diagnostic services, support for research projects, and forestry camps were authorized. Virginia extended the state's responsibility for juvenile detention and authorized regional detention.

Correctional or parole reorganization resulted from laws passed in Georgia, Kentucky, Louisiana, Mississippi, and Rhode Island. Virginia authorized establishment of state farms for detention and care of misdemeanants, and authorized joint establishment of regional jails by local communities. Kentucky adopted conditional release; Massachusetts authorized preparole camps.

Several other acts are digested. The following are not: the acts establishing financial responsibility of parents for vandalism or delinquency of their children (in Arizona, Georgia, and Rhode Island)—acts we are sorry to see and which we predict will fail of their purpose, if they are used at all; and the equally futile repressive laws passed in Louisiana and the United States Congress increasing the penalties for narcotics offenders—including death, in the federal act—and excluding eligibility for probation or parole in certain cases.

Decisions digested include cases on juvenile detention, restitution, transfer of juvenile cases, interpretation of probation statutes, detainers, qualifications and appointment of probation officers, civil rights of offenders, and aspects of parole procedure.

As in previous years, the digest is divided into three sections: (1) Juvenile Courts and Youthful Offenders, (2) Probation and Sentencing, (3) Parole and Correction. Within each section new laws are given first, followed by recent decisions of general interest.

Use of the library of the Association of the Bar of the City of New York is gratefully acknowledged.

I. Juvenile Courts and Youthful Offenders

LEGISLATION

KENTUCKY

Division of Children's Services.—The administrative organization for children's services was revised. The Division of Children's Services in the Bu-

reau of Social Services of the Department of Economic Security takes over the duties of the state Children's Bureau (see NPPA *Yearbook*, 1952, p. 186) for services to delinquent, dependent, and neglected children, and assistance to counties in developing detention facilities. Formerly the Children's Bureau was authorized to provide probation service to juvenile courts, and juveniles were committed to the Youth Authority, which was charged with operating the juvenile institutions; these duties are now given to the Department of Economic Security.—Ch. 157.

NEW YORK

Statewide Youth Court.—A youth court is set up as a division of each county court, with jurisdiction as examining magistrate for all youth and over youthful offenders, wayward minors, and adolescent drug users. The existing youthful offender procedure, which may result in a limited commitment and only a noncriminal adjudication, is extended so that it may be applied to any minor, except where the act charged is punishable by death or life imprisonment, unless he was eighteen or over at the time of commission of the offense and was previously convicted of a felony. The act provides for privacy of hearings and of records, protection of youth in detention, and investigatory help by probation staff in connection with the fixing of bail or release without bail. The judges in each county may establish advisory committees.—Ch. 838. See NPPA JOURNAL, April, 1956, pp. 123 to 141. (The 1957 legislature delayed the effective date of the act to April 1, 1958.)

Youth Commission; State Aid for Youth Bureaus.—A permanent Youth Commission is established in the executive department, continuing the work of a temporary commission. It consists of a chairman and eight other members, appointed by the governor with the consent of the senate for staggered terms of five years. The chairman is the full-time executive officer; other members receive per diem compensation. The commission appoints an administrative director, who appoints other staff. The work of the commission is supported by an ex officio interdepartmental committee. The commission's duties are development of programs to prevent delinquency and youth crime, including administration of state aid for county or municipal youth bureaus, and recreation or youth service projects. One-half of the cost of youth services maintained in accordance with commission standards is paid by the state. —Ch. 636, amended by Ch. 769.

Contributing to Delinquency.—When a child is adjudged delinquent or neglected and it appears that the parent or other person having custody contributed to the condition, the court may issue an order regulating the custodian's conduct to prevent further delinquency or neglect. Violation constitutes contempt of court.—Ch. 949.

PENNSYLVANIA

State Planning for Delinquency Control; Diagnostic, Research, and Other Services.—The Department of Welfare is charged with establishing and conducting a diagnostic service, including residential study centers, for juvenile courts and other public and private agencies, to enable it to recommend appropriate dispositions for rehabilitation of delinquents and children with mental or behavior problems. Its advisory duties to local communities and state and local departments for delinquency control are expanded,

and in developing recommended corrective measures the department may establish and operate facilities supplementary to existing public and private institutions. The department shall assist local public and private agencies to establish research projects in delinquency prevention.—Act 406.

Forestry Camps.—At the request of the Department of Welfare the Department of Forests and Waters shall provide and maintain facilities for forest conservation and the training of male youth, cooperating with the Fish Commission and the Game Commission in planning conservation and recreation projects. The Department of Welfare may select as campers youths fifteen to eighteen who have been committed to the training school or who are recommended by a classification center of the department. The act appropriates $100,000 for the Department of Forests and Waters, and $150,000 to the Department of Welfare, for operation of the camps.—Act 599.

VIRGINIA

State Responsibility for Detention Facilities Expanded; Regional Detention.—In 1950 the Department of Welfare and Institutions was charged with the development of a statewide plan for detention facilities, the local communities remaining responsible for establishment and maintenance (see NPPA *Yearbook*, 1950, p. 250). New acts authorize regional as well as local facilities. The Board of Welfare and Institutions is directed to establish minimum standards, and it may prohibit detention in any place which does not meet them. Previously the state reimbursed localities to the extent of two-thirds of salaries, and the entire cost of supplies; now the state will also reimburse for one-third, not to exceed $25,000, of the cost of construction of approved detention homes to be used by three or more counties or cities.—Ch. 194. Chapter 369 authorizes and governs the joint facilities.

Juvenile Disposition Following Criminal Proceeding.—A child adjudged in a court of general criminal jurisdiction may be sentenced under the criminal laws or the juvenile court law.—Ch. 537.

DECISIONS

CALIFORNIA

Detention of Child Material Witness.—An eight-year-old girl, victim of a crime by an adult, was taken into custody on June 23 and placed in Juvenile Hall. On June 29, the judge of the juvenile court granted a writ of habeas corpus, and on the same day a petition was filed to declare the child a ward of the court. At the time of the hearing on the writ on June 30, the court also held a hearing on the question of the necessity of detention (under the Welfare and Institutions Code), without notice having been given to the parents. The court thereupon discharged the writ, ordered the minor detained, and set the date of July 13 for a hearing on the petition to make the child a ward of the court. During the period of detention neither the child's attorney nor her parents were allowed to speak privately to her. At the hearing on June 30 an officer prevented the parents from speaking with the child and when she signaled a greeting to them, she was removed from the room. On July 1 the child testified at a preliminary hearing, and at its conclusion was retained in custody by the juvenile court authorities, being placed in a private home under their jurisdiction. The parents were denied information about

the place of detention or the identity of the persons in whose custody the child was held. It also appeared that a deputy district attorney had threatened to place a "district attorney's hold" against her with the superintendent of Juvenile Hall, such "hold" orders apparently being accepted by the superintendent as authority for holding juveniles in custody solely as witnesses and subject to orders of the district attorney. The opinion states that when the court decided to issue the writ of habeas corpus and requested of the superintendent that it be advised as to the persons having custody of the child, it was met with "delay, evasion, opposition, and lack of cooperation."

The appellate court concluded that the proceeding to declare the child a ward "was instituted as a mere device and means to retain said minor in custody solely for the purpose of separating her from her parents" and keeping her available as a witness. It stated, "Authority of law is not vested in any court, official, officer or authority to seize the person of a minor and to incarcerate and detain said minor for the sole purpose of keeping said minor available for use as a witness in a criminal proceeding or any other proceeding." Custody and detention were illegal unless of immediate or urgent necessity for the protection of the welfare of the child, a condition not present in this case. Detention for more than forty-eight hours without filing a petition was illegal. The child was ordered discharged.—*In re Singer et al.*, 134 C.A. 2d 547, 285 P. 2d 955. Compare *Application of Jones*, below.

NEW YORK

Detention, Diversity of Interest between Parent and Child.—A girl of fifteen was detained under order of the Children's Court upon a petition of neglect. The girl's mother obtained a writ of habeas corpus to secure her release. The writ was dismissed. The court declared that the petition should have been based on direct allegations of fact. However, under the existing circumstances of the parents' interest contrary to that of the child—the fact that the stepfather was indicted for rape of the child, the fact that the parents are by the writ seeking an opportunity to talk to the child alone as part of the plan of defense for the stepfather and have delayed the children's court proceeding, the fact that the child originally went to the Society for the Prevention of Cruelty to Children to seek protection and informed the court she desired to remain in the care of the society—under these circumstances, the child is retained in detention for her own welfare, rather than as a deprivation of liberty.—*Application of Jones*, 206 Misc. 557, 134 N.Y.S. 2d 90. Compare *In re Singer et al.*, above.

PENNSYLVANIA

Restitution Orders in Juvenile Court.—The court declared that "The terms imposed in requiring restitution *by the juvenile* must be wholly in the interest of the child, looking toward his reformation and not to make good the damages flowing from his illegal acts. Undoubtedly restitution by the parents of a delinquent child in some instances may be indicated to impress upon them their responsibility in the reformation of the child. But there is nothing in the juvenile court law which authorizes the court to compel the parents to make restitution satisfying the civil demands of the child's delinquency and the juvenile court has no power by attachment to enforce

such orders when made." The court held further that there is no common law liability on the parent of a delinquent child to make restitution.—*In re Weiner*, 176 Pa. Super. 255, 106 A. 2d 915. "There is nothing in the juvenile court law which gives that court authority to compel the recipient to return a payment made in the form of restitution even if the payer was improperly persuaded to do so by the court."—*In the Matter of Aaron Weiner*, 178 Pa. Super. 397, 115 A. 2d 757.

VIRGINIA

Investigation on Transfer between Juvenile and Criminal Court.—The defendant, of juvenile court age, pleaded guilty to a charge of murder. After a presentence investigation, he was sentenced to death. The statute requires that a "full investigation and hearing" shall be had in the criminal court as to retention of jurisdiction or transfer to the juvenile court. The Supreme Court of Appeals reversed the judgment on the ground that the investigation regarding transfer was not made, and the requirement "was not satisfied by the investigation and report of the probation officer."—*Tilton* v. *Commonwealth*, 196 Va. 774, 85 S.W. 2d 368.

II. Probation and Sentencing

LEGISLATION

GEORGIA

Statewide Probation Act.—The Board of Pardons and Paroles is established as an ex officio Board of Probation, to administer a state probation service. Heretofore probation officers have been appointed locally by the judges in certain counties. The board shall appoint a chief probation supervisor, serving at its pleasure, and he in turn shall appoint and direct the work of circuit probation officers, serving the judicial circuits but without tenure. County probation service continues; where there is no juvenile probation service, juvenile offenders may be placed under the supervision of circuit probation officers.—Act 22.

KENTUCKY

Probation Act Revision.—The director of the Division of Probation and Parole of the Department of Welfare is authorized to appoint probation, parole, and conditional release officers, assigning them to serve in the various districts and courts, directing their work, and conducting training courses. The previous statutory limitation of forty officers for the state is eliminated. Personnel appointed by the director are for the first time subject to the state merit system, being selected after competitive examination by the Division of Personnel Efficiency in the Department of Finance, and may not be discharged without cause. The division may enter into agreement with counties or cities for their payment of part of the cost of division services within their area. (For provisions of the act relating to parole, see p. 181.)—Ch. 101. (See "Kentucky Moves toward a 20th Century Probation and Parole System," by William Peeples, NPPA NEWS, May, 1956.)

MASSACHUSETTS

State Supervision of Probation Services.—The Board of Probation has heretofore rendered advice to local departments and has collected probation statistics. The new act considerably strengthens the state's role. The board is abolished; a committee on probation, made up of representatives of the courts, shall appoint a com-

missioner of probation (at $12,000 a year, for a six-year term), and shall consult with him in promulgating standards of probation work, personnel, and salaries. With the approval of the committee, the commissioner shall appoint (and may remove) a deputy commissioner, at $9,000. He may also employ research staff. The commissioner is charged with executive control and supervision of the probation service, providing consultation service, qualifying applicants for probation positions, and conducting training programs and conferences. Officers may be appointed by the judges only after their qualifications are approved by the committee. After consultation with the judges, the committee fixes compensation of probation officers. An officer may not be discharged without committee approval. If the commissioner recommends appointment of additional personnel to a court and the court fails to act, the committee may make the appointments. Collection of statistics, promulgation of forms, etc., become functions of the commissioner. (The act also authorizes preparole camps; see p. 182.)—Ch. 731.

MISSISSIPPI

Probation Authorized and Probation Service Established.—Probation is authorized for first offenders, except where death or life imprisonment is the maximum penalty that might be imposed. The newly created state probation and parole board shall provide probation as well as parole service. The board consists of three members appointed by the governor, subject to confirmation by the senate, the governor designating one member as chairman. The board shall appoint as executive officer an administrative assistant who shall appoint, with the approval of the board, not over nine probation and parole officers serving in districts as set up by the administrative assistant.—Ch. 262.

RHODE ISLAND

Mandatory Presentence Investigation.—The state correctional services act (see p. 182) contains a provision that a presentence report shall be made in all cases in which a sentence of more than one year may be imposed.—Ch. 3721.

VIRGINIA

Mixed Sentences.—If the dependents of a person convicted of a misdemeanor or desertion and nonsupport may become public charges if he is confined in jail, the jail sentence may provide for release from confinement on the days he is regularly employed, under supervision of a probation officer or other person, with the earnings from such employment being used in whole or in part for support of dependents and payment of a fine, if any.—Ch. 688.

DECISIONS

UNITED STATES

Suspension of Unexecuted Sentence on a Prisoner Serving a Term under Another Count.—Can the court grant suspension of sentence and probation on a term which is wholly unexecuted, being one of several terms served consecutively? Interpreting the federal probation act, the United States Supreme Court held that the federal courts could not in such a case suspend sentence, saying, "A contrary construction would result in an unnecessary overlap between probation and parole provisions."—*Affronti* v. *United States*, 350 U.S. 79, 76 S. Ct. 171.

Detainers; Statement of Reasons for Sentence Imposed.—Defendant was

sentenced in the federal district court to a term of five years. Following commitment the sentencing judge learned that the prisoner was subject to a detainer for future state prosecution for the same crime. The judge recites the limitation of institutional privileges and training opportunities resulting from filing of a detainer in the federal institution, and unsuccessful efforts to have the detainer reconsidered by the state prosecutor. The judge (under the federal rules) revised the sentence, fixing the term of imprisonment at sixty days, stating: "It is not in keeping with fair administration of justice that one defendant serve two terms for one offense." The opinion is also of special interest for its account of California practice regarding detainers (on which see also *People* v. *Candelaria*, 139 Cal. App. 2d 432, 294 P. 2d 120) and the problem of detainers in general. The opinion is one of those infrequently encountered in which the judge records the rationale of his sentence in some detail.—*United States* v. *Candelaria*, 131 F. Supp. 797.[1]

[1] Judge Ernest A. Tolin wrote: "Defendant pleaded guilty in this court to an indictment which charged robbery of a National Bank with use of a deadly weapon. Although it is the custom of the court to impose heavier sentences, Candelaria's case appeared to require but little more than is customarily served by prisoners convicted of crimes in the courts of California.

"Defendant's past life, while certainly not exemplary (defendant was on state probation for a morals offense when he committed the crime which brought him before this court), does show a record of industry and ambition mixed with bad conduct indicative of immaturity, lack of education and supervision, yet with strong possibilities of rehabilitation. The defendant is in need of a moderate term of prison discipline and education with supervision after his release.

"With a system of farms, factories, and schools coupled with institutional discipline and finally parole, or conditional release, toward the end of the term, the federal prison system has done much to rehabilitate young offenders as well as to provide exceedingly long terms, sometimes permanent isolation from society, for those felons who have demonstrated either an inability or an apparently incurable aversion to observe the minimum rules of free life.

"This defendant definitely appeared to the court as one who most probably would respond to rehabilitation treatment in a federal institution and, on February 7, 1955, was sentenced to custody for a term of five years. By application of the good behavior credits which reasonably could be expected, the prisoner would serve forty-eight months in prison followed by twelve months supervision while on conditional release. It is exceedingly unlikely that he would be paroled at any time, but sometimes unforeseen circumstances arise indicating that parole is proper, and although it is rarely granted (in the federal system) in cases of this character, the possibility that a man might earn or at least not be conclusively barred from parole in the latter part of his term has been found an incentive to improvement in prisoners, all of whom are needful of some such incentive."

MICHIGAN

Extension of Probation after Expiration of Fixed Period.—On May 4, 1949, the defendant was placed on probation for three years. On September 18, 1952, several months after expiration of the three-year period, the court ordered probation continued for two years. The statute states that on conviction of felony "the period of probation shall not exceed five years," and requires the court to "fix and determine the period . . . which shall be at all times alterable and amendable." The Supreme Court of Michigan held that under the statute the judge was "at liberty 'at all times' within the five-year period to alter and amend the order both in form and in substance."—*People* v. *Marks*, 340 Mich. 495, 65 N.W. 2d 698.

NEW JERSEY

Qualification of Chief Probation Officer.—Although the statute makes no reference to the position of assistant probation officer, the designation was approved in several counties by the civil service commission. With the approval of the commission an assistant chief was promoted to chief probation officer without competitive examination, despite the constitutional requirement that civil service appointments and promotions are to be made according to merit and fitness to be ascertained "as far as practicable" by examination. The judge had certified that the assistant chief was the only proper person for the position, in view of his supervisory experience as assistant. The appellate division held the appointment was improperly made, but the New Jersey Supreme Court reversed. It cited a New York case (*People ex rel. Sweet* v. *Lyman*, 157 N.Y. 368, 32 N.E. 132, 137, 1898), interpreting "so far as practical" to permit appointment without examination where the questions of merit or fitness cannot be reached in that way, or where other ways are more accurate and reliable than written examination. Nevertheless, in a dubious ruling, the appointment to chief probation officer without examination was upheld on the ground that the action of the civil service commission was not shown to have been arbitrary, capricious, or unreasonable.—*Falcey* v. *Civil Service Commission*, 16 N.J. 117, 106 A. 2d 549, reversing 29 N.J. Super. 520, 99 A. 2d 658.

In a later case arising in another county, the four county judges had appointed as chief probation officer a man who had been court crier for twenty-five years. The civil service commission refused to approve the selection, saying that the position of chief probation officer is a career position in the competitive division of the classified civil service and that a promotion examination, open to employees in the next lower grade or grades of the probation office, was a prerequisite to the appointment. The Appellate Division of the Superior Court held the ruling of the commission to be correct.—*Walsh* v. *Department of Civil Service*, 32 N.J. Super. 39, 107 A. 2d 722.

III. Parole and Correction

LEGISLATION

GEORGIA

State Board of Corrections.—A new Board of Corrections is created, of five members appointed by the governor with the consent of the Senate. They receive per diem compensation and appoint a director as executive officer, who holds office at the pleasure of the board. Prisoners sentenced to state institutions shall be assigned to an institution designated by the director. The board shall set up a system of classification and segregation. Corporal punishment and shackles are prohibited, and other discipline is regulated. Other provisions affect state and local institutions, good-time allowances, and concurrent and consecutive sentences.—Act 112.

KENTUCKY

Parole Act Revised; Advisory Council on Corrections.—A parole board is established, consisting of three members appointed by the governor, who designates one of them as chairman. They serve full time for staggered terms of four years, at salaries of at least $7,500, and $500 additional for the chairman. The board has full parole authority. Formerly paroles were granted by the Division of Proba-

tion and Parole and were subject to approval by the governor. The new act, in addition to necessary procedural provisions, also establishes an advisory council whose functions are to recommend to the governor improvement of the correctional program, to recommend minimum personnel standards, and to advise on examination procedures. (For provisions relating to other personnel and to probation, see p. 178.)—Ch. 101.

Conditional Release.—A prisoner who has served his term less good-time deductions shall be conditionally released under supervision of the Division of Probation and Parole.—Ch. 102.

LOUISIANA

Parole Board and Staff.—Formerly two of the five members of the board were ex officio; under the new act all five are appointed by the governor. Formerly parole service was provided by employees of the Department of Public Welfare, who were subject to the merit system. The new provision is for a state parole officer to be appointed by the governor and serve at his pleasure, and for other staff to be appointed by the board without reference to civil service.—Act 66.

MASSACHUSETTS

Preparole Camps.—The commissioner of correction is authorized to establish camps to which male prisoners may be transferred for training and preparation for release on parole. (The act mainly reorganizes the probation services; see p. 178.)—Ch. 731.

MISSISSIPPI

Parole Act Revision.—The parole board was reorganized under the probation and parole act (see p. 179). Procedural parole provisions were revised.—Ch. 262.

RHODE ISLAND

State Correctional Services; Adult Detention; Parole.—A Division of Correctional Services is created within the Department of Social Welfare, including the adult correctional institutions, the training schools, and the bureau of probation and parole. The division is headed by an assistant director of the department in charge of correctional services. The act provides for institutions classified as to security; reception and orientation (in the present Providence County jail), classification, and treatment. Such terms as "convicts" and "prisons" are dropped, "prisoners" and "correctional institutions" being used instead. The county jails are made state adult correctional institutions. The towns may commit violators of ordinances to the state institutions. Persons committed to adult correctional institutions pending trial of charges may be permitted to labor as other prisoners, and may be allowed 35 to 50 cents pay per day. The time of parole eligibility is liberalized, prisoners being eligible after serving one-third of their term, without reference to good-time; formerly service of one-half the term was required. (See p. 179 for provision relating to presentence investigation.)—Ch. 3721.

VIRGINIA

State and Regional Jails and Farms.—Any two or more counties and cities may join in establishing regional jails or jail farms for committed misdemeanants or violators of ordinances. The act provides for jail or jail farm boards and for administration of the facilities.—Ch. 681. The director of the Department of Welfare and Institutions shall establish a state farm or farms for detention and care of misdemeanants or felons. State farms

were formerly authorized only for defective misdemeanants.—Ch. 345.

DECISIONS

CALIFORNIA, NEVADA

Civil Death Statutes Strictly Construed.—The California Civil Death Statute providing that a "person sentenced to imprisonment in the state prison is thereafter deemed civilly dead" applies only to a person convicted by the state and imprisoned in a California state prison, not to a person sentenced to a life term in a federal court.—*Hayashi et al.* v. *Lorenz et al.*, 42 C. 2d 848, 271 P. 2d 18.

The Oregon civil death statute, providing that a person sentenced to imprisonment in Oregon for life is thereafter deemed civilly dead, does not have the effect of automatically terminating the marriage of one sentenced to life imprisonment. "Oregon law . . . provides that conviction of a felony shall be ground for divorce. In our view the Oregon legislature, having expressly provided means for dissolution of a marriage to a felon, could not have intended the civil death statute to have such effect."—*Villalon* v. *Bowen*, 70 Nev. 456, 273 P. 2d 409.

FLORIDA

Establishing Parole Violation.—The parole statute provides that the state "and the parolee may introduce such evidence as they may deem necessary and pertinent to the charge of parole violation." Under this, held the state Supreme Court, it is "the duty of the commission to offer into evidence at a hearing in which the parolee was present such evidence as was necessary to sustain the charge. The commission had no right to treat as evidence material not introduced as such or to consider any information outside the record in its disposition of the case."—*Jackson* v. *Mayo*, 73 So. 2d 881.

Release of Parolee on Bond.—The parolee was held in jail under a violation warrant by the parole commission. On a writ of habeas corpus in which the right to bail was asserted, the circuit court admitted the parolee to bail, conditioned on his appearing before the parole commission on a date fixed or to be designated. Reversed; under the Florida parole statute, it is the commission and not the court which may commit parolees to jail or grant bond, as the circumstances suggest.—*Blackburn* v. *Jackson*, 74 So. 2d 80.

OHIO

Restoration of Civil Rights, Right to Liquor License.—A person barred under the statute from obtaining a liquor license because of a conviction is not qualified under the Ohio law providing that "a prisoner who has served the maximum term of his sentence, or has been granted his final release by the [parole] commission, shall be restored to the rights and privileges forfeited by his conviction," since the right to hold a liquor license "is not one of the rights and privileges forfeited by his conviction."—*Papatheodore* v. *State Department of Liquor Control*, 118 N.E. 2d 713.

The Question Box

National Probation and Parole Association
New York City

Gentlemen:

Sometime ago my son, in the company of four other young men 19 to 21 years of age, were convicted of a felony as a result of being found guilty of entering a gun-shop and taking a number of revolvers. This first offense, a spur-of-the-moment "dare" type adventure, occurred while these young men were home from college during the Christmas holidays.

About three weeks after the crime the father of one of the boys and I learned that our sons were involved. We contacted the police at once—the police had no prior knowledge that our sons were implicated—calling the boys home from the several colleges they were attending, and returning each of the guns to the owner, and paying the owner a sum of money he requested as restitution, since he may have lost possible sales during the absence of the guns. Despite the injured party making no charge against the boys, a complaint was signed by the police chief, and the case pushed by the prosecuting attorney who recommended sentencing the boys for two years to an institution, and paroling to the parents. The judge of course followed this recommendation with the result that the stigma of a felony clouds their present and future.

Each of the boys comes from a respectable home of excellent standing in the community.

Each of the boys has better than average intelligence, and despite this grave mistake can and will, if given a chance, contribute to future community leadership.

My son is a pre-medical student in his second year. I firmly believe he can become a splendid doctor.

I am writing for advice and information. Your help will be highly valued.

Is there any possibility that this case can be reviewed in another and possibly higher court? To whom should such an appeal be directed? Can a felony charge ever be set aside? Our attorney offers little if any hope of this, but I am nevertheless hoping that a review of the record of the case and of the boys' conduct prior to, and since, the crime would establish the righteousness of giving them a clear, fresh start.

Can you tell me if my son can serve in the Armed Forces after the parole period? Will citizenship privileges be completely restored, including voting rights?

There must be exceptional cases of first offenders who should not be permanently stigmatized for a single mistake. If the current laws do not permit such leniency, then the laws should be changed. I should appreciate knowing what I can do to help others as well as my son to a second, clear chance.

Your help and advice will be deeply appreciated.

Sincerely yours,
(NAME WITHHELD)

Dear Mr.——:

What you have to tell is a pathetic and very human illustration of a fairly common experience. Our agency is

aware of the problem generally and for the individuals affected and we believe we are in the course of developing ways of dealing with such situations.

The law with respect to the loss, retention, or restoration of civil rights of offenders is determined by the statutory and other sources in each particular state. In connection with the National Conference on Parole held in 1956 we conducted a survey on this subject, attempting to obtain information from each of the states. The data we obtained from your state is to the effect that conviction of offenses against property disqualify the individual from jury service, voting, and office holding.

However, the most important problem is the wiping out of the conviction. This goes beyond the mere exercise of the rights referred to, and, as you correctly point out, the conviction becomes a permanent impediment. You are proceeding from the aspect of review, which is one way of dealing with this. Another way is by pardon, although your attorney should check the state law to see whether the pardon actually wipes out the conviction or merely restores the disabilities.

With respect to service in the armed forces, the enlistment manual governs. At the present time the rule is that a felony conviction bars enlistment, but that for youthful offenders a waiver may be granted. In any particular case a communication should go to the adjutant general's office giving the facts of the situation and requesting a waiver.

But it is evident that there is a need for a procedure by which the record of conviction itself be stricken. As you say, "There must be exceptional cases of first offenders who should not be stigmatized for a single mistake." There are in fact many such situations, applicable not only to first offenders or youthful offenders. It is this aspect that the National Parole Conference acted on. At the present time a number of states do have a procedure by which a record can be expunged. The National Conference on Parole adopted a recommendation that the states enact by statute a procedure under which a convicting court could order a record of conviction expunged, at the discretion of the judge, upon completion of a probation or parole period or of a term of commitment. The adoption of such a statute would provide one means of correcting the situation described in your letter.

Our agency can provide assistance to the proper authorities in the drafting of a suitable bill to accomplish the foregoing purpose.

Another approach to this problem is by way of a noncriminal procedure for dealing with youth who are above juvenile court age. Such a plan exists in New York State and was considerably expanded to include all minors in legislation enacted in 1955. The purpose of the legislation and the test of the act are described in the April 1956 issue of our quarterly JOURNAL. The entire issue is devoted to the youthful offender. I am taking the liberty of sending a copy of the April issue to you under separate cover.

Sincerely yours,
NATIONAL PROBATION AND
PAROLE ASSOCIATION

News & Notes

John A. Wallace, executive assistant of the National Probation and Parole Association, is leaving the staff this month to become Director of Probation of the Supreme Bench of Baltimore, Md. While his resignation will be a very serious loss to the Association, his leadership of the Baltimore department will add greatly to the strength of probation service generally. Mr. Wallace has done exceedingly effective work with NPPA's Advisory Council of Judges and in the general service program of the Association. We salute Baltimore for its success in securing a highly competent director of probation.

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Fred Finsley was appointed chairman of the California Adult Authority on March 16, in keeping with Gov. Knight's announced policy of periodically rotating the chairmanship.

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The Criminal Division of the Probation Department of the Supreme Bench of Baltimore, Md., has inaugurated a unique staff training program, a series of alternating lectures and case conferences which emphasize psychological problems, with the help of the University of Maryland's Psychiatric Institute of the University Hospital and the School of Law. In the weekly hour and a half meetings, held at the Psychiatric Institute of the Hospital under the guidance of the Institute's Dr. Roger Waterman, probation officers, a psychiatrist, and a psychologist—representatives of the court's Medical Department—and a professor of law join in discussions.

H. B. Mutter, probation officer in the department, says: "We have all found this series of lectures and case conferences very helpful in training, and feel that something more than just debating takes place. Each officer in turn presents a case that makes for good discussion, focusing on personality structure, investigative techniques, goals to be accomplished, etc. The lectures concern fundamental psychiatric and psychological problems.

"This type of training, I feel, is a great advance in our 'industry'; it provides training for our officers and really constructive ideas on problem cases."

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Eighteen social work students will be placed in eight county institutions and departments, including juvenile and adult probation, under a field work program established by the Milwaukee County Board of Supervisors and the University of Wisconsin's School of Social Work. "Block plan" placement from other schools of social work is permissible.

First year students will be paid $180 per month, second year students $190 per month, for a twenty-hour week.

The purpose of the program is to stimulate and promote enrollment of qualified students in the School of Social Work, thereby developing and improving the county's social work services and filling existing social work vacancies. Students interested should apply at the School of Social Work, University of Wisconsin, 623 West State Street, Milwaukee 3, Wisc.

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A graduate program leading to a Master of Science degree in criminology in either of two areas—law enforcement or corrections—was launched at Fresno State College, California, in February. Seminars in criminology and in the techniques of probation and parole are offered in the program.

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The Florida Children's Commission has issued a report (1957 series, No. 1) on "Aftercare Services for Juveniles," prepared by its field representative, Frank L. Manella. The 66-page report is in three parts. The first reviews the seven major types of aftercare services found in the U. S. The second describes in detail each state's method of providing aftercare services for juveniles. The third, "Aftercare in Florida," presents statements by Florida's juvenile court judges, who are legally responsible for the service, on present provisions and suggested improvements in juvenile aftercare; it also contains charts showing the distribution by county of juveniles in the state's training schools. Copies of the comprehensive report can be obtained by writing to Frank L. Manella, Field Representative, Florida Children's Commission, 328 Caldwell Bldg., Tallahassee, Fla. (If you are interested, write soon; the supply is limited.)

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The University of Michigan will admit students to a program of doctoral training and research in social work and social science which emphasizes the application of research knowledge, beginning in the fall of 1957. The program leads to a master's degree in social work and a Ph.D. degree in social work and one of the social sciences.

Students entering with no previous graduate work can expect to obtain both degrees within four years. Students with previous graduate training in social work, sociology, psychology, or economics may apply this work toward degree requirements.

Students will be offered, in addition to the professional curriculum in social work, substantial training in advanced theory and research in one social science, in one area of social work or the social services, and in the integration of concepts and methods in social work and the social sciences. A supervised research internship is part of the program.

Several special fellowships have been established for the program. Final date for filing applications for the program's initial session is May 1. Information on the program and on fellowships may be obtained by writing to David G. French, School of Social Work, University of Michigan, Ann Arbor, Mich.

The program is under the direction of an interdepartmental committee composed of Morris Janowitz, Associate Professor of Sociology, Chairman; Eleanor Cranefield, Professor of Social Work; William Haber, Professor of Economics; Daniel Miller, Associate Professor of Psychology; and Robert D. Vinter, Assistant Professor of Social Work.

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Copies of *Adult Parole Systems of the United States*, by Sol Rubin, are still available (price, 50¢; NPPA, 1790 Broadway, New York 19). A mimeographed supplement, showing legislative changes through 1956, will be sent with any number of copies ordered. Copies of the supplement will also be sent, upon request and without charge, to those having the 1949 edition.

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Working Conditions

A comparative report on parole agents' salaries, caseloads, and supervision duties has been prepared by William L. Jacks, statistician for the Pennsylvania Board of Parole. The occasion for the report was the Board's submission of its annual budget.

Forty-three states replied to the questionnaires, which were sent in November, 1956. Data are given from each state on minimum and maximum salaries, average caseload per officer in each state, the relationship between supervision and investigation duties, and changes the state would make in these factors if it could.

1. The average minimum salary for parole officers in the 43 states is $3,946; lowest minimum is $2,880, highest is $5,054. The average maximum salary is $4,776, with the range going from $3,000 to $6,360.

2. The report points out that "The most outstanding factor [about caseload figures] is the great range of caseloads among the various states. The highest average caseload is in South Carolina—313.6 cases per agent; the lowest is in Delaware, Kentucky, and Wisconsin—50 cases per agent." In 21 of the 43 states, the average caseload is more than 85.

3. The report continues that "81.4% [35 of the 43 states] . . . indicate dissatisfaction with their caseloads. . . . 27 states said they would like to have lower caseloads and indicated the size of the caseload they would like to have in order to insure maximum supervision and counseling. Here again the wide range of opinion is significant. South Carolina, with a total caseload of 313.6 at the present time, indicates a suggested maximum caseload of 125. Arkansas, with a caseload of 120, would like to have a caseload of 90. At the lower extreme of the scale, Wisconsin, with a caseload of 50, would like to reduce this to 40; and Kentucky, with a caseload of 50, would like to reduce this to 25. . . . The majority of the states agree that the maximum caseload should be 60 or less. . . . Only 6 of the 27 states suggested caseloads of 70 or more."

4. The report deals with the relationship between supervision and investigation services. In 33 states of the 39 replying to this part of the questionnaire, parole officers make investigations not directly related to supervision. The investigation load is not included in the figures on caseloads by 31 states; it is included by 8. Some states included in their suggested caseload figure both supervision and investigation duties; others stated that the figure given excluded investigation services.

The report concludes: "This study shows the need for uniform practices among the various states in relation to parole matters. . . . For example, one state will recuit parole officers and start them at a wage of $2,880 per year, while another state not too many miles away will start agents at a salary of $5,054 per year."

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Marion B. Folsom, Secretary of the Department of Health, Education, and Welfare, stated recently:

This year some one-half million boys and girls will be referred to juvenile courts for delinquency, and of them perhaps 130,000 will be placed on probation.

If probation service were adequate throughout the country, 15,000 probation officers would be at work full time in juvenile courts. Actually there are fewer than 2,000 working full time with juveniles, and some 2,000 who work with courts involving both juveniles and adults. Of the juvenile probation officers we have, nearly

half lack a college education, and only a tenth have completed social work education.

Some 100,000 boys and girls this year will have to be held in secure custody while waiting for law enforcement agencies to take action in their cases. Yet there are fewer than 200 detention homes in our country. Most of these youngsters will be confined in jails. Of the more than 3,000 jails inspected by the Bureau of Prisons, fewer than one-fourth have been approved for use by adults.

During the year, some 40,000 will be committed to training schools for delinquent children. Some of them need not have been sent away from home if their communities had the social services that could help delinquent youngsters get straightened out. Training schools, if they are to do an effective treatment job, must have trained and experienced personnel. Yet a third of the state public training schools have no social worker on the staff and less than two-fifths have a psychiatrist either on a full- or part-time basis.

Our agencies for helping delinquent children, in short, are too few and too poorly staffed to do a first-class job of treatment. And this is not, by and large, the fault of the people working with juvenile delinquents. The fault lies in citizen complacency.

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California.—San Francisco's adult probation department, a grand jury declared in November, 1956, "has been operating under an insurmountable manpower shortage." San Francisco's 20 probation officers have an average of 183 cases per officer, which has resulted in "armchair" supervision and in jailing persons who might otherwise be placed on probation. The chief probation officer, John Kavanaugh, will request 10 more probation officers in his next budget.

The same grand jury pointed out that the juvenile probation department in San Francisco in 1948 supervised 3,811 cases of delinquency and neglect with 48 officers; there were still, in 1956, only 48 officers on the staff, although the number of cases had almost doubled. A probation officer in the boys' division has an average caseload of 85; in the girls' division, an average of 50. "Only between 25 and 35 per cent of juvenile delinquents referred to the probation office are being made wards of the juvenile court, because of the understaffed office"; in many of these cases only token supervision is possible.

• The nation-wide shortage of trained probation and parole officers might be partially alleviated by adaptation of the high-school career conference idea. In Berkeley, California, for instance, an annual conference on engineering and science as careers is held at the high school. Tenth, eleventh, and twelfth graders from eight high school districts interested in these fields meet leaders in the profession for three hours. The event is cosponsored and arranged by the counseling committee of the San Francisco Engineering Council and the superintendent of schools. A team of experts talking to high school students about the sort of work they can look forward to in probation and parole might spark interest in corrections as a career in young people preparing for graduation and further training.

• The following Associated Press story, datelined San Diego, Calif., appeared in newspapers on February 28:

> The board of supervisors authorized a $410 increase to approve remodeling costs for the interior of the county probation's new offices.
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> The increase will pay for five coats of paint to cover murals considered inappropriate for a probation department. The building once housed a nightclub and dance hall.

Delaware.—Wilmington's Superior Court probation staff has "such an excessive volume of work that it results in the supervision of probationers being reduced to the zero point," said Superior Court Judge Daniel L. Herrmann last January. "None of our probation people are paid the kind of salary which would attract to the work trained social workers such as the Family Court is able to afford," he said. "We Delawareans must change our conception of how many probation officers we need for our courts, how much they should be paid, what qualifications they should have, and the kind of caseload and the standard of service we should expect them to perform. We must lift our sights in this field, and we must be prepared to pay the bill for an enlightened and progressive program."

Minnesota.—The Interim Commission on Juvenile Delinquency, Adult Crime, and Corrections of the state legislature, after statewide public hearings, has recommended a plan to provide proper probation services to all juveniles who need them. The chairman of the commission, Rep. Joseph Prifrel, stated: "For example, Beltrami County, with a population of 25,000, first employed a half-time probation officer in February, 1954. The county's commitments to the Youth Conservation Commission dropped from 19 in 1953 to 12 in 1954, to 9 in 1955, to none for the first half of 1956. In other words, by spending about $3,000 a year on probation services, Beltrami County is saving the state up to $30,000 a year in institutional care."

The recommended plan calls for "at least one juvenile probation-parole officer for each 50,000 population of the state outside the three metropolitan counties. This means that most officers will serve two or three counties. Because these officers will supervise YCC parolees as well as serve local juvenile courts, and to insure that officers meet professional standards and come under constant professional supervision, they will be placed under the YCC and appointed from state civil service lists."

State and county will share the cost of the services. The state will provide professional supervision—one supervisor for each six probation-parole agents.

Missouri.—Kansas City *Times* editorial, December 21, 1956:

> Much of Missouri's lag in the [probation-parole] field goes back to the scarcity of . . . officers. The state had 14 field [parole] officers in 1955. Now it has 21, but this is far short of the 54 recommended by the National Probation and Parole Association. Before any real system of presentence investigations could be established the state would have to provide more officers and salaries that would keep them in Missouri. The beginning pay is $305 a month and Wisconsin is expected to offer $600 this year.
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> For a modern, efficient system of probation and parole, Missouri is looking to the new governor and the 1957 General Assembly.

● In St. Louis, a committee of circuit court judges, headed by Judge Ivan Lee Holt, Jr., proposed to the Board of Estimate and Apportionment that the staff of the probation office be enlarged from 10 to 16 employees and that substantial pay increases be granted. The report is based on a recent study by NPPA.

The St. Louis *Post Dispatch* reported (and supported editorially) these proposals of the committee: doubling the staff of four supervisor-investigators and increasing their $4,000 annual salary to $5,000; adding two stenographers to the staff, making a total of

six, and increasing salaries from $3,060 to $3,600; increasing salaries of the chief parole officer from $7,000 to $8,500, the deputy parole officer from $5,000 to $6,500, and senior clerk-stenographers from $4,080 to $4,560.

The staff increases, said Judge Holt, would reduce the caseloads of investigators from 100 to 50 each.

New Jersey.—A state judicial committee on juvenile delinquency, headed by Superior Court Judge Richard J. Hughes, has recommended changes in administration for all counties of the state, including the following as listed in an editorial in the Camden *Courier-Post* last January:

Staff expansion and facilities for screening, investigating, and supervising juvenile offenders.

Mandatory prehearing investigations for juvenile offenders.

An administration center to supervise all county probation reports.

State financial aid to county probation departments if other means of improving their services fail.

"All these improvements are called for in Camden County, with staff expansion the keystone of the program," said the paper.

Camden County has included funds in its 1957 budget to add four new probation officers to the present staff, doubling its size. The officers' salaries will start at $4,000. Two will be assigned to juvenile court, two to domestic relations cases. The appointments will be made by county judges from civil service lists.

In October there were 303 juveniles on probation in Camden County; according to Judge Rocco Palese, "probation consists of a weekly report from their teachers or parents to the County Shelter's probation office." The *Courier-Post* commented: "If, because of understaffing, there are no regularly appointed probation officers to whom a juvenile offender can report, then is it legal for a judge to place a juvenile on probation? We wonder."

Union County's 1957 budget also provides for eight new officers and for increases in all salaries, some as high as $1,000 a year. Judge Hughes had called the probation staff's inadequacy a "peril to Union County."

Ohio.—The following story appeared in the Akron *Beacon-Journal*, January 19, 1957 (see article by Frederick Ward in this issue, pp. 161, 168):

Courthouse overcrowding still will be acute after Juvenile Court has moved to its proposed $1,500,000 youth center and detention home.

Judge Russell W. Thomas of Juvenile Court issued this warning to the County Commissioners. He said only part of his staff will move to the new building.

"My adult workers will stay here," he said. They include divorce case investigators, secretaries, marriage counselors, and referees, and liaison between the domestic relations division and the prosecutor's office.

The judge advised the commissioners they can drop all plans for taking over all of his space, courtroom excepted, when the new $1,500,000 building is in use.

Until the new building is opened, the judge actually is asking for more space in the Courthouse. He says he must have it before he can put on two additional employees for boys' probation work.

The staff additions were recommended in a recent survey by the National Probation and Parole Association, called in after the slaying of Mrs. Eula Bonham, Detention Home matron, by five girl charges.

• An item from the Cleveland *News*, December 7, 1956:

Between 400 and 500 men are behind prison walls in Ohio today because the state lacks probationary staffs to supervise them on the outside.

Judges and prosecutors would favor probation if properly trained supervisors were available, but "they are on the spot and dare not take a chance."

These observations were brought to Cleveland today by Cleo B. Dolan, consultant for the National Probation and Parole Association, who is setting up an Ohio Committee on Delinquency and Crime.

Pennsylvania.—From the Philadelphia *Inquirer*, December 13, 1956:

There is a critical lack of facilities to properly punish and rehabilitate offenders.

An undermanned and underpaid Juvenile Court staff is bogged down in a tremendous backlog of cases and able to give only "quickie" attention to defendants.

Scores of teen-agers are confined in Moyamensing Prison in close contact with narcotics addicts, sex offenders, and hardened criminals because of crowded temporary detention facilities at the Youth Study Center.

Proposals to increase the 12-member police gang control unit . . . were bypassed at budget hearings last month—as expressed by one official—"in preference to repaving a city block."

● A lively public discussion, interesting because all parties to it omitted any reference to the qualifications of the candidate, was aired in the Pittsburgh *Sun-Telegraph* a few months ago under the headline, "Politicians Protest Girl in Good Job." Politicians pointed out that the nineteen-year-old girl at the center of the controversy—she was the youngest investigator in the nonsupport branch of the county court—was too young to vote, and that she is earning $315 a month. The newspaper said: "They eye her salary of $315 a month and think of deserving and proven constituents who could use it." "Another angle under wide discussion" is that she "has to interview parties much older than herself and investigate domestic cases although she is single." The young lady in question "was hired as a stenographer for the nonsupport branch of the court and later was reassigned to investigating under the supervision of . . . [the] secretary and probation officer for county court." None of the politicians whose protests were noted in the newspaper story made any comment, one way or another, on her training for or skill in the job.

Texas.—From the Dallas *Times-Herald*, January 20, 1957:

Texas has no full-time, statewide system of probation and parole for adults who are released from the state prisons. This is one of the main reasons why a larger percentage of offenders arrested by the police are repeaters.

But an even more serious shortcoming in the state's crime-fighting machinery is the lack of adequate supervision of juvenile offenders, including those who are paroled from the state schools of correction, notably the one for boys at Gatesville.

"The Gatesville institution, designed for housing 475 boys, will have 800 inmates by February 1." So reports Louis Nordyke, chairman of the Youth Development Council, who also says that since the intake is about 100 boys a month, some youngsters must be released to make room for new arrivals. . . . He says: "Texas is permitting children to become criminals simply by neglect."

Commenting on this situation, the Dallas *News* said:

Worst fact is that the great majority of these youths are returned to their home communities without any effective supervision. Legislatures of the past have failed to provide any money for this important rehabilitation and crime-prevention work.

Employment Opportunities

United States

Technical Consultants in Juvenile Delinquency, for Children's Bureau, Department of Health, Education, and Welfare (GS-12 and GS-13), in Washington, D. C. and other cities; to provide national leadership and consultation in such specialties as institutional treatment and care, juvenile court and probation, group services for hard-to-reach, and in-service training. Requirements, which vary for different specialties, include 2 years of graduate study in an accredited school of social work and 5 years of experience, including 3 in administration, supervision, or consultation. $7,570 to $10,065. U. S. Civil Service Commission Announcement No. 91B and Application Form 57, Card Form 5001-ABC, and Form 15 can be obtained at post offices or from the United States Civil Service Commission, Washington 25, D. C.

Los Angeles, California

Deputy Probation Officers (men and women), for Los Angeles County Probation Department (Exam. No. 12522). Bachelor's degree in social sciences and (a) 1 year experience in probation or parole casework, or (b) 2 years experience in social case or group work, or (c) master's degree in social work. Twenty-four credits in psychology, criminology, sociology, public administration, or law may substitute for one year of the social case or group work experience. $5,280 to $6,540. California driver's license and car are required.

Probation Counselors (men and women), for Los Angeles County Probation Department (Exam. No. 11501). Bachelor's degree. Age, 21 to 35. Experience in group supervision of children or work with children as counselor, caseworker, teacher, recreation or physical education director, or attendant in recognized agency, camp, or institution desirable. $4,260 to $5,280.

Write to Julius Brooks, 205 South Broadway, Los Angeles 12, Calif.

Los Angeles, California

Caseworker, Volunteers of America of Los Angeles, to counsel and supervise parolees; work with relatives of inmates and parolees; prepare pre-parole social studies; visit penal institutions and group meetings. Psychiatric consultation as needed; good supervision. MSW required. $4,572 to $5,112 to start, according to qualifications. Private offices, opportunity for advance to supervisory job. Write to Walter C. Hart, Acting Executive Director, Volunteers of America of Los Angeles, 333 So. Los Angeles St., Los Angeles 13, Calif.

San Diego, California

Group Counselor II, at San Diego's newest detention facility (Exam No. 3314). Responsible for supervising and instructing group counselors, writing behavior reports and conferring with probation officers, supervising juveniles in recreation and work programs, and aiding juveniles in adjusting to controls. Age 23 through 54. Requirements: bachelor's degree, preferably in social sciences, or with 12 units of sociology or psychology (up to 6 units in education may substitute), plus either (a) 1 year case or group work in county probation department; (b) 18 months case or group work with problem or neglected children or adult offenders; or (c) 1 year of graduate social work study. California driver's license required. Selection based on written examination (50%) and evaluation of qualifications (50%). $4,320 to $5,256. Write to San Diego County Civil Service Department, Room 402, Civic Center, San Diego 1, Calif.

Santa Rosa, California

Assistant Director, Juvenile Hall, Sonoma County, to assist with supervision and operation of detention home and mobile camp for boys. Bachelor's degree desirable; experience in detention or guidance accepted in lieu of education on a year-for-

year basis, to a maximum of four years. $4,920 to start. Write to Philip Becklund, Sonoma County Probation Officer, Courthouse, Santa Rosa, Calif.

Michigan

Probation Officers, Parole Officers, Institution Social Workers, in state system. Requirements: either (a) 2 years experience as probation or parole officer in a state, county, or federal system, plus BA degree in sociology, psychology, or criminology, or (b) 2 years experience as caseworker with an MA in social work. Write for application to Michigan Civil Service, Lansing 13, Mich.

Detroit, Michigan

Psychiatric Social Worker III, Child Study Clinic, Wayne County Juvenile Court. MSW (preferably in psychiatric social work) plus 3 years psychiatric social work experience and 2 years social casework supervisory experience (preferably in children's casework or psychiatric casework agency) required. $6,296 to $7,496.

Child Casework Services Director, to direct and coordinate intake, foster home, neglect and dependency, and probation services of Wayne County Juvenile Court. Staff will include administrative assistant, approximately 10 supervisors, and 80 officers. Not over age 55. Requirements: MSW, preferably in child welfare, plus 8 years experience with delinquent, neglected, or dependent children including 4 years in supervisory or administrative capacity, 2 years of which must have been in a large agency performing casework probation services to delinquent, neglected, or dependent children. $9,611 to $11,291.

For further information on either position, write to Wayne County Civil Service Commission, 628 City-County Bldg., Detroit 26, Mich.

Saginaw, Michigan

Casework Supervisor, for project demonstrating the benefits resulting from high standards of practice in a county probation department, Saginaw County Circuit Court. MSW and at least 2 years experience in supervising a casework staff required; one year of probation experience is desirable. Beginning salary $9,000; $500 increment for second and third years. For information write to Boyd McDivitt, Michigan Citizens Council of NPPA, 503 Michigan National Tower, Lansing, Mich.

St. Paul, Minnesota

Supervisor, Women's Parole Section, Youth Conservation Commission, to supervise 4 parole agents. Bachelor's degree in social sciences or pre-social work required, MSW desirable; 3 years experience probation or parole work. Selection based on personality as well as training and experience. $4,620 to $5,616; after July 1, 1957, $4,992 to $6,072. For application, write to Minnesota Civil Service Commission, State Office Bldg., St. Paul 1, Minn.

Bedford Hills, New York

Correctional Officers, more than 12 (women), Westfield State Farm, state prison and reformatory for women. 40-hour week. Either high school graduation, 1 year experience in supervision of women as forelady, recreation leader, housemother, or guidance counselor, or experience as mother or foster mother of school age girls, plus good physical condition, is required. $3,320 to $4,180. Send description of experience and qualifications to Miss Henrietta Additon, Superintendent, Westfield State Farm, Bedford Hills, N. Y.

Dayton, Ohio

Executive Director, Prisoners' Aid Society. Master's degree in social work and 5 years of social work in psychiatric or probation/parole setting required. Selection will be based on demonstrated ability to work with a board, volunteer groups, and other agencies as well as on technical knowledge. Salary approximately $7,000. Send information and photograph to Mrs. LaVina Wilson Carney, Executive Director, Prisoners' Aid Society, Inc., 1014–15 Knott Bldg., Fourth and Main Sts., Dayton 2, Ohio.

Lincoln, Nebraska

Senior Project Workers, to demonstrate casework with juveniles, fulfilling specific unmet community needs in the hope that agencies cooperating in the special demonstration of community planning, coordination, and research will add the services to their programs. Master's degree in social work and experience in working with children required. Opportunity for varied and high caliber experience. Starting salary, $5,500 to $6,000.

Group Therapist, to demonstrate group therapy with juveniles. Master's degree in social work or 2 years of graduate training in clinical psychology, and successful experience in the performance of group therapy, required. Salary open.

For further information write to Lloyd L. Voigt, Director, Lincoln Youth Project, 507 Federal Securities Bldg., Lincoln 8, Neb.

San Antonio, Texas

Chief Probation Officer, to administer juvenile probation department and two small county training schools in Bexar County. MSW preferred; administrative or supervisory experience in juvenile or family court required. Candidates will be screened by the Juvenile Court Advisory Committee; personal interview expenses will be paid. $7,500. Job to be filled by June 1. Apply to Rev. Robert Tate, Chairman, Juvenile Court Advisory Committee, 114 Auditorium Circle, San Antonio, Tex.

Olympia, Washington

Clinical Psychologists I, II, and III, in state correctional institutions (juvenile and adult).

Grade I: selects, administers, and interprets psychological tests. Master's degree in clinical psychology from APA approved university required. $4,368 to $5,184.

Grade II: heads a service. Master's degree as above, plus 2 years experience, preferably in a clinic, required. $5,184 to $6,168.

Grade III: directs or provides services in large program. Ph.D. as above, plus 1 year supervised internship in clinical work, required. $6,168 to $7,344.

Higher salary rates to be effective in the near future.

Psychiatric Social Workers, in state correctional institutions (juvenile and adult), to work as member of clinical team with severely disturbed children. MSW plus casework experience with disturbed children in clinical setting required. $4,764 to $5,652 (starting salary depends on qualifications).

For further information on these four positions, write to Miss Mildred J. Stier, Senior Technician, Washington State Personnel Board, 212 General Administration Bldg., Olympia, Wash.

Milwaukee, Wisconsin

Probation Officers, in children's court (Examination No. 1447), family court (Examination No. 2140), municipal and district courts (Examination No. 1675). Minimum, 2 years graduate work in accredited school of social work (excluding thesis); master's degree in social work and 1 year paid experience in casework preferred. Qualified supervision provided; excellent working conditions. Salary, $4,878.72 to $5,713.56; maximum salary arrived at after 4 years. Credit may be given, up to the maximum pay and on a year-for-year basis, for acceptable previous social work experience. Write to Milwaukee County Civil Service Commission, Room 206, Courthouse, Milwaukee 3, Wisc.

Book Reviews

The Challenge of Law Reform, *Arthur T. Vanderbilt.* Pp. 194. Princeton, N.J., Princeton University Press, 1955, $3.50.

Any book by Chief Justice Vanderbilt on the subject of law reform deserves careful reading and study. He is the acknowledged leader in this field; a man of prodigious capacity, he has long amazed his friends and admirers by the amount of vitality he has had left to devote to this crusade after meeting the heavy demands of an active practice carried on concurrently with the presidency of the American Bar Association and the deanship of the New York University Law School and, since 1948, after discharging the responsibilities of the chief justiceship of the Supreme Court of New Jersey.

His leadership in the fight for judicial reform in New Jersey has won a permanent place of honor for him in the history of the legal profession. In *The Challenge of Law Reform*, Justice Vanderbilt makes an eloquent plea to judges and lawyers throughout the country to become leaders in the movement for reform in their communities. As the title indicates, the book is a call to action—a challenge to the profession to live up to its high ideals. Some may, in Judge Cardozo's phrase, "find hyperbole in the sanguinary simile" in Justice Vanderbilt's statement that the opponents of change are "more dangerous to the country than the criminals [and] communistic subversives," but the extravagance of the rhetoric is obviously intended only to jolt open some of the closed minds in the profession. The primary responsibility for the improvement of the judicial system belongs undoubtedly to the profession and the Chief Justice properly warns the profession that if it does not discharge that responsibility, a revolt by the public is inevitable.

The specific proposals advocated by Justice Vanderbilt are based in the main on the minimum standards of judicial administration promulgated by the American Bar Association in 1938, in the formulation of which he played a leading role. They are: (1) improving the method of selecting judges; (2) simplifying court structure; (3) improving rules of procedure to eliminate technicalities and surprise; (4) strengthening administrative supervision of the courts; (5) enlarging the rule-making power of the courts.

There may be differences of opinion as to method and emphasis with respect to some of the proposals, but there can be no disagreement as to the objectives of the program.

Justice Vanderbilt strongly advocates replacing the popular election of judges (which prevails in thirty-six states) with the appointive system. Understandably, as a member of an elected judiciary, I find this to be the most controversial part of his program.

He traces the elective system to its origin in the equalitarian philosophy of Jacksonian democracy and tells the story of its initiation in New York in 1846 and its subsequent adoption throughout the country. He plainly regards this as a major catastrophe in the history of the judicial process in this country.

The elective system is undoubtedly

vulnerable in theory to all the criticisms to which he subjects it, but fortunately, as Justice Vanderbilt himself recognizes, the results of the system in operation have not been nearly so bad as theoretical criticisms would lead one to predict. It is one of the heartening phenomena of our society that politically selected judges have, with rare exceptions, proved themselves to be free from political influence once they have taken office. In states in which judges are elected for long terms and in which bipartisan endorsement usually follows the completion of a full term, the elective system has proved itself capable of producing an able, courageous, and independent judiciary. There have been regrettable instances of failure. But experience with the appointive system, particularly in the federal courts, has demonstrated that that system is also subject to occasional failure.

The transfer of the power of selection from the electorate to the governor does not, of itself, insure that judicial selection will be insulated from political influence. Justice Vanderbilt is well aware of the danger that appointments will be based on political considerations. To meet it, he has two proposals: that the New Jersey practice of bipartisan appointment be adopted, and that as a second safeguard the executive be required to select from a slate recommended by an advisory council. But the question persists: "Quis custodiet ipsos custodes?"

For states which are unwilling to give up the elective system entirely, Justice Vanderbilt recommends the American Bar Association, or so-called Missouri, plan (first advocated by Professor Albert M. Kales of Illinois in 1914), under which the judge is appointed for an initial term of short duration and then runs against his record at a popular election, at which the electorate is asked to vote "Yes" or "No" on his continuance in office. The plan is an ingenious one, but it has the defects inherent in a compromise. The trial period has all the disadvantages of short-term tenure—the independence of the judge during the trial period may well be undermined by the knowledge that every decision on a controversial subject will shortly be reviewed in a popular election.

Our institutions being what they are, it is unlikely that any state in this country would adopt the continental system of a civil service for the judiciary. Under it, the law school graduate seeking a judicial career enters a judicial apprenticeship, which may lead to an appointment at the bottom of the judicial hierarchy and successive promotions thereafter. In the absence of such a radical change in our approach to the selection of judicial personnel, the problem remains a part of the larger problem of improving the functioning of the democratic system. The solution must be found within the framework of the democratic process: by putting the pressure of public opinion—through bar associations, the press, and lay organizations—on the leaders of the dominant parties, and by inculcating in them a strong sense of their responsibility for the integrity and competence of the personnel of the judicial system. Various methods of improving the elective system, such as nonpartisan nominations, holding judicial elections in odd-numbered years, and the like, are worth considering. But I believe that, in the end, the problem will still be one of improving the quality of political leadership and

increasing the participation of an alert bar and an informed citizenry. The problem is too difficult to yield to a mechanical solution. As Justice Vanderbilt has said in another book (*Men and Measures in the Law*): "There is no single infallible method of obtaining good judges," and "No system will work . . . if the bar is not vigilant and courageous."

The Temporary Commission on the Courts of New York State, after studying the problem, decided to recommend no basic change in the system of electing judges now prevailing in New York. However, it has recommended an interesting experiment in New York City, where it proposes to merge several local courts, some of which are now manned by elected judges and some by appointed judges, into a single court. The Commission has provided for the election of one-half and the appointment of one-half of the judges of the new court. This may indicate the Commission's conclusion that the merits and the risks of the two systems are about equal, or it may indicate the Commission's desire to launch a controlled experiment, the results of which may demonstrate which system produces the better judiciary.

The remaining topics are much less controversial. Justice Vanderbilt tells very effectively the story of what has been accomplished in New Jersey by simplifying the court structure and placing real administrative power in the Chief Justice. Much can be learned by other states from a study of the New Jersey achievements.

New York State is now in the midst of a thoroughgoing study of its court structure. The Temporary Commission on the Courts, under the distinguished leadership of Harrison Tweed, has presented a plan for the consolidation of the courts and the unification and simplification of the judicial system which carries out the spirit of the reforms Justice Vanderbilt advocates. The proposed changes would undoubtedly increase the flexibility of the system and allow maximum use of available judicial manpower.

The steps thus far taken by New York in the direction of central administrative control of the courts are severely criticized by Justice Vanderbilt on two grounds: they are not only inadequate, but they have also deceptively appropriated the good name of administrative control without its substance. As he correctly points out, the recently created Judicial Conference is authorized only to study and recommend; it has no real power of administration. However, in fairness to the Temporary Commission, which recommended the creation of the Judicial Conference, it should be recognized that without constitutional amendment not much more could have been done. In its latest report, the Commission has proposed a constitutional amendment which would completely rewrite the Judiciary Article to vest effective administrative and budgetary control of the courts in the Appellate Divisions and in the Judicial Conference.

Justice Vanderbilt makes an eloquent plea for procedural reform to eliminate the elements of technicality and surprise and insure a just and speedy finding on the merits in each case. Although much remains to be done, great strides have been made in recent years toward this goal. Much of the credit is properly given to new rules adopted by the courts, but the contribution of the state legislatures should not be overlooked; many of the reforms incorporated in the Federal Rules of Civil Procedure and in the

rules of state courts were patterned after provisions enacted by state legislatures, upon the recommendation of various legislative commissions. The broadening of the rule-making power of the courts, strongly advocated by Justice Vanderbilt, is undoubtedly a desirable reform, provided that ultimate veto power in matters of social policy, often inseparable from procedure, is reserved to the legislature. But I believe in any event that adequate provision for continuous study and research, by which progressive proposals are produced, is more important than the choice of the method by which the proposals are to be adopted.

All procedural reform, as Justice Vanderbilt says, is but a preliminary to the major task of improving the substantive law so as to bring it into conformity with the needs of modern society. For this, Justice Vanderbilt turns to the "Law Centers," a comparatively recent development, in which the best brains of the law schools, the bar, and the lay public are to combine in their attack upon problems of substantive law reform. We all share with Justice Vanderbilt the hope that outstanding achievements will come from the new Centers. But in the meantime, we ought not to undervalue the contributions of the older agencies of law reform: the law schools of the traditional type, whose faculties and student bodies, through law reviews and other publications, have provided the intellectual ferment and critical evaluation which have been largely responsible for the improvement of the quality of judicial work in the past generation; the official state commissions, such as the New York State Law Revision Commission—which has functioned as a true Ministry of Justice, continuously studying defects in the decisional and statutory law and recommending legislative enactments to correct them; and the American Law Institute, which has covered the major fields of the law in masterful restatements which have proved to be invaluable aids to the courts and have had a clarifying and liberalizing influence upon the substantive law. Justice Vanderbilt is very critical of the American Law Institute; he criticises particularly the static nature of the Restatements, and their omission of the citation of authorities. These criticisms have been largely met—first, through the publication of textbooks by individual reporters which give the reasoning and precedents for the conclusions of the Restatements, and second, by the current Institute program to supplement the Restatements with a second series, bringing the law up to date and giving direction to the trends of the future.

The challenge of law reform can be met on many fronts and by many methods. Justice Vanderbilt's slim book, provocative and stimulating as it is, will undoubtedly prove to be a valuable weapon in the battle for reform.

PHILIP HALPERN
Associate Justice, Appellate Division
New York Supreme Court, Buffalo

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Manual for Prosecuting Attorneys, *Morris Ploscowe, ed.* Pp. 697 (two volumes). New York, Practising Law Institute, 1956, $5.

The *Manual for Prosecuting Attorneys* is essentially a textbook (in the form of a collection of authoritative articles by various authors) and, as such, must be evaluated not only on the basis of its content and style but also on its effectiveness as a supple-

ment to the Practising Law Institute lecture course for prosecuting attorneys with which it is intended to be used. Particularly pleasing to me—I participated in making up the course curriculum—is the comprehensive and authoritative quality of this two-volume work, compiled and edited by Morris Ploscowe.

The articles cover every phase of the day-to-day work of the public prosecutor's office, and do so with sufficient particularity to make it of value to even the most seasoned prosecutor. This is most due to the fact that the authors are men who have had practical experience in the field of prosecution; moreover, many of them have specialized in particular phases of criminal investigation and prosecution. This is certainly true of such well-known and respected prosecutors as District Attorney Frank S. Hogan and Assistant District Attorneys Anthony Liebler, Harry Steinberg, and John McAvinue (all of New York County), and Edward S. Silver, District Attorney of Kings County, N. Y. Excellent articles have also been contributed by two renowned criminologists, Virgil Petersen of the Chicago Crime Commission and Fred Inbau of Northwestern University.

The *Manual* is a happy combination of the text and case methods, illustrating the best that is inherent in each of these tools of legal education.

Although I have, in the past, had occasion to disagree with some of Mr. Ploscowe's opinions on various matters relating to prosecution and crime prevention, I find no such occasion in this book. His editorial comment is brief and excellent.

These two volumes would be most beneficial if placed in the hands of every neophyte prosecutor at the time he takes his oath of office. The Practising Law Institute and the editor have rendered an unprecedented public service by making available this treatise covering a critical field of law enforcement. As excellent as the *Manual* is, however, it cannot serve as a substitute for participation in the extremely valuable course for which it was prepared.

MILES F. MCDONALD
Justice
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The Urge to Punish, *Henry Weihofen.* Pp. 213. New York, Farrar, Straus and Cudahy, 1956, $4.

Henry Weihofen's *The Urge to Punish* is the fourth volume in the series of Isaac Ray Lectures, sponsored by the American Psychiatric Association. The award has been given annually to the person "deemed most worthy by reason of his contribution to the improvement of the relations of law and psychiatry."

The author, Professor of Law at the University of New Mexico, has long been known for his activities in the fields of law and psychiatry; his volume, *Insanity as a Defense in Criminal Law* (published in 1933, revised in 1954 as *Mental Disorder as a Criminal Defense*) stamped him as a thorough student and a progressive thinker, and through the years he has been a valued contributor to the literature.

The instant volume bears the subtitle, "New Approaches to the Problems of Mental Irresponsibility for Crime." As one would expect from these words, Professor Weihofen deals largely with the so-called "tests" of insanity as a defense to crime. Pointing out that the prevalent M'Naghten Rule—i.e., the knowledge of right and wrong—was laid down in 1843, he

reminds us that from its very inception it has been questioned and criticized with regard to both its legal and scientific soundness. One of its early critics was Dr. Isaac Ray, the author (1838) of the first systematic text in English on what he chose to term the psychiatric jurisprudence of insanity.

As early as 1850 Ray proposed that the test of insanity as a defense to crime should be simply that the criminal act was the result of mental disease. Largely on his advice, the New Hampshire Supreme Court in 1871 enunciated this principle, which furnished the groundwork for the "product test" laid down by the United States Court of Appeals for the District of Columbia in 1954 in the case of *Durham* v. *U. S.* (214 F. 2d 862).

Professor Weihofen then dissects the M'Naghten Rule, agreeing with the British Royal Commission on Capital Punishment that "the test of responsibility laid down by the M'Naghten Rule is so defective that the law on the subject ought to be changed." He also criticizes in detail the proposal, somewhat less rigid than the M'Naghten Rule, in the American Law Institute's draft of a Model Penal Code, and he concludes that the "product rule" is the best way to obtain the "jury's informed sense of justice."

The readers of this journal are likely to be especially interested in the author's concluding chapter, to which he gives the title of his book. He examines the urge, found in many on and off the bench, to punish in others the tendencies that we deny or repress in ourselves. "No one," he says quite correctly, "is more bitter in condemning the 'loose' woman than the 'good' women who have on occasion guiltily enjoyed some purple dreams themselves. It is never he who is without sin who casts the first stone." He then proceeds to a complete demolition of the case for capital punishment. This section should be "must" reading for judges, jurors, and legislators.

The book is a valuable addition to penological literature and is warmly recommended to all who are interested in the criminal law and its social implications and results.

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Juvenile Offenders before the Courts, *Max Grunhut.* Pp. 143. New York, Oxford University Press, 1956, $3.40.

Because juvenile delinquency and the treatment practices of courts concerned with it have become matters of universal interest, *Juvenile Offenders before the Courts* has timeliness as well as scholarship to recommend it. This primarily statistical survey of juvenile delinquency and the treatment practice of courts in England and Wales is the product of thorough and painstaking research by Max Grunhut, Reader in Criminology at Oxford University.

American readers will be interested in comparisons and contrasts between British and American statistics on the incidence and location of juvenile delinquency between 1944 and 1953. The three peak years of delinquency in Britain were 1945, 1948, and 1951. In 1945, 8.6 children out of each thousand children were delinquent; in 1951 the rate was 9.2.

For the triennium 1948–1950, the specific delinquency rate was highest for senior boys—51 delinquents per thousand—and lowest among junior girls—3.4 per thousand. In general, the delinquency rate of boys was ap-

proximately nine times higher than the girls'. In the United States, the delinquency ratio is approximately five to one.

The author concludes from a study of local variations in delinquency rates that the typical high delinquency area in Britain and Wales is a large manufacturing or port city with an industrial population, a high proportion of small incomes, considerable infant mortality, and a significant amount of adult criminality. The author found no necessary connection between unemployment and the delinquency rate; surprisingly enough, the areas of highest delinquency have rather stable populations.

In England, the law makes available to the court three principal methods of dealing with juvenile delinquents. First, the juvenile may be discharged absolutely or conditionally if no further court treatment is indicated. Second, the court may apply "constructive measures"—probation, commitment to the care of a fit person, or commitment to an "Approved School." Third, the court can "resort to punishment" and impose a fine or order detention in a remand house or detention center.

It is in the category of "punishment" (fine or detention) that British law and practice differ from American procedure. In the United States, fines in juvenile cases are not generally used. This is only partly due to the fact that the law in most states does not authorize such a disposition. The Standard Juvenile Court Act contains no such provision. The law in this country has translated into statutory terms a philosophy of treatment and rehabilitation which accords very little therapeutic value to fines against a child in a delinquency case.

My own opinion is that fines are effective in only a few types of children's cases, such as traffic and municipal ordinance violations, and the "shock" effect upon the child depends upon whether the fine is paid by the child or his parents. If paid by the parents, it is not likely to have any appreciable disciplinary value to the child; if paid by the child, either in a lump sum or in installments, it may be of value. In no instance is a fine an adequate substitute for probation treatment to a child with emotional or social problems.

> In general, in children's cases, there is little disciplinary value from money penalties. But if we are not too sentimental, they may legitimately and effectively be imposed in certain types of cases. This is especially true in traffic cases, cases of violating a peddling ordinance, and other cases involving violation of local ordinances, when these do not involve moral turpitude and when a discharge and probation are equally unsuitable. In cases like these, money penalties, if intelligently imposed, have some effect in making the child and his parents realize their responsibility for the violation of the law or ordinance.[1]

From his analysis of treatment practices in the courts, the author found that out of every 100 juveniles who had committed indictable offenses, the following was the general pattern of disposition in the postwar years 1948–50:

Probation	45.6
Absolute Discharge	17.2
Conditional Discharge	10.9
Fine	14.0
Approved School	9.4

The outstanding feature of treatment practice in the postwar period is the decreased use of probation and a corresponding increase in the use of fines. In the following analysis Grunhut

[1] Herbert H. Lou, *Juvenile Courts in the United States*, University of North Carolina Press, 1927, p. 147.

shows that this trend may have an adverse effect on the delinquency situation:

> A comparison between the incidence of juvenile delinquency and the way in which certain methods of treatment are applied by magistrates leads to correlations which are statistically significant with regard to three forms of treatment. For the years under observation, absolute discharge has a correlation to juvenile delinquency of +0.28, fines of +0.35, and probation of −0.25. These figures confirm in terms of statistics the observation . . . that, where magistrates are confronted with great numbers of delinquents, they are inclined to dispose of a considerable proportion of them by the expedient means of discharge and fines, while, where they have only a moderate number of young offenders before them, they feel in a better position to consider individualized constructive treatment and thus to order probation. It would be wrong to say, on the strength of these statistical correlations alone, that a frequent use of probation has a favourable influence on the crime situation, and that the resort to absolute discharge and fines is accompanied, if not followed, by a high incidence of delinquency. Rather a tentative, negative statement can be justified by these figures. They show that the use of probation has not, as some of its critics maintain, any apparent undesirable effect on the extent of delinquency in areas where frequent probation orders are made. At the same time, the figures are a challenge to areas with a preference for absolute discharge and fines to re-examine the situation with a view to new experiments in treatment practice.

JOE W. SANDERS
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The Right to Life, *A. Delafield Smith.* Pp. 204. Chapel Hill, University of North Carolina Press, 1956, $3.50.

A. Delafield Smith's legal training and experience (twenty years of private practice in New York City plus experience as counsel for federal agencies administering social legislation) has produced in him a sense of dismay—dismay at the lack of legal emphasis in the training of professional social welfare workers. His dismay produced *The Right to Life*, a book which begins by pointing to the disregard for legal texts, legal thinking, legal objectivity, and legal science in social welfare today. He finds in the social sciences a "grievous absence of understanding of the law's objectives, a resulting failure to apply legal methods, and little awareness of the real contributions of legal philosophy to social objectives," and he fixes responsibility for this failure on lawyers, legislatures, and courts, not on the social work profession.

Mr. Smith suggests the possibility that human society is at present failing to foster the formation and development of wholesome character and personality. The burden of his effort is to point out the need of a "legally ruled and legally responsive environment for the preservation of human character and to get law and applied social science more in step." He is concerned with "the ethical principles upon which the individual today properly founds his claims upon the resources of his society" and with "the need to preserve and develop the significance of the individual in our society by making him the focal point in a system of legal relationships."

The author's description of the shift in man's supporting environment from nature to society and his exploration of the problems inherent in the process are interesting, though somewhat confused. Social legislation is minutely and critically analyzed. Typical of the author's technique and style is this observation: "Many fail to see that society is often kicked at by the

individual, who acts like a frustrated child because he is being asked to supply what society itself has taken from him, and is withholding from him, and because its return to him is conditioned on his good behavior."

The author's observations in the chapter on "Delinquency Procedures" are interesting and quite challenging. Thought-provoking controversial views involving juvenile courts characterize this part of the book.

The Right to Life is a most unique, interesting, and challenging, though somewhat complex, discourse.

THOMAS TALLAKSON
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Minneapolis

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Reprieve, *John Resko.* Pp. 285. New York, Doubleday, 1956, $3.75.

Sometime in the spring of 1950 a man named John Resko, newly paroled from a life sentence at Clinton Prison in Dannemora, came to my office at the National Probation and Parole Association, where I was then editor. Shortly before this visit I had asked the *Saturday Review* for permission to reproduce in *Focus* (July, 1950) Resko's drawings of prison life which they had used with a story by Carl Carmer and the artist's finely worded reply thanking those who had been helpful in his appeal for freedom. The *Saturday Review* had turned my letter over to him.

I had not expected to meet John Resko, so the near miracle of an instant friendship was as surprising to me as it no doubt was to him. He had with him a folder of drawings and a biography of Toulouse-Lautrec, which he had been reading on the subway, and this started us off. For two hours we ranged over a wide field of art, returning now and then to Dannemora and parole. My amazement grew that from two decades of prison life could come a man of fine presence, warm personality, and cultural interests. Tension was there—under tight control—but mostly I remember the eager mind reaching out to share experience, and the sensitive tentacles of proffered friendship, feeling the way to understanding.

How did it happen that such a man could, as a boy of eighteen, participate in a small-time holdup and, in panic at the resistance of the storekeeper, fire the gun handed him by his partner? Sentenced to death in Sing Sing in the spring of 1930, John Resko spent two years in the Death House where he was three times to undergo the grim preparations for the electric chair, each time with a last-minute reprieve. (One time he had, as he words it, "only twelve hundred seconds to go.") The final stay was a commutation to life imprisonment, which came from Governor Roosevelt.

It is with his admission to the Death House that John Resko begins his story, with no attempt to excuse or soften or even to relate the circumstances of the tragic crime he had committed. The period in Sing Sing ended soon after the reprieve with a transfer to Dannemora, the Siberia of American prisons, because of a weakly conceived plan of escape duly reported by the fellow prisoner to whom it had been confided. Escape by another route—suicide—was a way out which he dwelt upon in his cell for the first years of his time in this gray and wind-swept old fortress. One of the most moving of the drawings in the gallery show of his prison work, which opened on December 6, 1956, the publication date of his book, was one showing the final exit of an inmate who took that sad and lonely road to freedom.

But gradually another way began to shape itself. Pushed by an inner urge, he worked at his art in his free time, his subjects the men around him. Even when drawn in action—banging on a pail on New Year's Eve, boxing, or working in the prison factory—they were mostly gray, depersonalized men, sometimes barely human.

But these men as they emerge from the book are vividly real. Some had been notorious on the outside. There was Two-Gun (Pat) Crowley, the teenage killer who went through the little green door to the execution chamber with a grin of farewell to those left waiting their turn; Fritz Kuhn, leader of the German-American Bund, an expert who won every game of chess he played with John except the last (played during the outdoor recreation period in a snowstorm); Lucky Luciano, showing another and more human side of his nature in prison. The life dramas played out on this ignoble stage are viewed with sympathy, insight, humor, and an acceptance of the codes and mores of convict life.

With a change of administration came inner as well as outer changes for the prisoners. New buildings, new opportunities, new hope within the walls. For John Resko it meant an art class, which he conducted for years. It also meant contact with artists outside, especially with John Sloan, through whom the class was allowed to submit entries to the annual show of the Independents in New York. Other contacts followed and inspired in him a dream of painting his way to freedom. Visits from Carl Carmer helped to enlist the interest of others.

How John Resko became an artist with his pen as well as with his brush is unexplained. Certainly his brief time as editor of the prison magazine (which ended with punishment because of administrative misunderstanding of an article on parole) could have done little to stimulate his interest in writing. Ultimately he did have access to many books, not alone about art, which he read omnivorously. *Reprieve* is written in a mature, swift, economical style, with restrained understatement but with a warm current of emotion running through every page.

This man has a deep sense of the tragic futility of prison life as he knew it, and he does not spare us the brutalities and monotony of every day of it. Nor were the cruelties limited to guards and keepers. Cons are cruel to one another. Society in prison is stratified as rigidly as anywhere else; inmates classify themselves according to their own rule of measure. Loyalties are determined by strictly

Distorted World

Prison drawing by John Resko, from a showing of his work at the ACA Gallery, New York, December, 1956.

prison standards; the upside-down morality is both the product and the outlet of repression and deprivation.

The gap between the imprisoned and the free is so wide that only those who have known both states can see across it. But in this living book—tear yourself away from it if you can—we are almost behind the gates ourselves, sounding the deeps of the struggling, distorted life within. It *is* another world.

MARJORIE BELL

New York City

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Youth in Danger, *Robert C. Hendrickson with Fred J. Cook.* Pp. 300. New York, Harcourt, Brace, 1956, $3.95.

A nation-wide picture of the delinquency that exists in the shadows of our cities has been painted by Robert C. Hendrickson, former U.S. Senator from New Jersey, and Fred J. Cook, reporter and feature writer. In *Youth in Danger*, the present Minister to New Zealand sums up the findings of the Senate Subcommittee on Juvenile Delinquency, of which he was chairman from November, 1953 until March, 1955.

He presents a vivid description of gang warfare, teen-age abortion rings, narcotic addiction, squalid living conditions; even more important, he suggests what he thinks ought to be done to fight delinquency.

Mr. Hendrickson is on the side of the child. He scores adults for behaving in a fashion which shocks them when they find it in youth. He says it is a "miracle" that the delinquency problem encompasses only 5 per cent of our children, that the younger generation is at least 95 per cent stable in the face of what he calls "the derelictions of our older generation"—the selfishness of owners of slum buildings and those who, for profit, sell drugs, liquor, and violent comic books to children.

He came away from the hearings "with the conviction that one of the great areas in which we have failed most lamentably has been our school system"; it is in the schools that the dangerous symptoms in problem children first become manifest and it is here that society has a chance, if the signs are detected early enough, to halt antisocial tendencies before they become too severe.

The committee in its report emphasized that "this nation's first line of defense in preventing juvenile delinquency is the school," and urged that the problem be faced by local, state, and federal governments. It warned the nation: "Unless we pay out the money for better school facilities today, we shall have to pay out the money in years to come for more police and more prisons."

We have also failed in staffing the juvenile aid bureaus of police departments, "placing the most incompetent men in these jobs on the purblind theory that they would be at least good enough to deal with children." We have failed "in the shameful undermanning of our juvenile courts, in the lack of skilled child psychiatrists, in the failure to provide detention homes for youngsters and the consequent relegation of youth offenders to jails inhabited by hardened criminals."

"And we have failed—in many instances, at least—in coordinating the efforts of juvenile aid bureaus, courts, and schools; we have been guilty of the elemental oversight of not letting the right hand know what the left was doing."

In the final analysis, Mr. Hendrickson concludes, the problems of youth

must be worked out in the home. If the home fails, the community—with its schools and its juvenile police and public service agencies—should step in. Finally, if both these lines of defense break down, the problem must be dealt with at the state level.

"In this entire chain, the most important unit is the home," he concludes. "The need of children for love and understanding is an all-consuming need, and even the simplest of our actions, if it but contains these two ingredients, often pays unsuspected and sometimes extravagantly rewarding dividends."

He puts it: "We do not need wealth; we do not need to shower our children with extravagant gifts. We do not need to be especially wise and burden them with sage advice. But we do need to give them of ourselves—of our interest and our affection and our love in the warmth of our own firesides."

Praise is given to the efforts being made throughout the country to attack delinquency by understanding the needs of children who rebel. The good results achieved by many groups show that the problems are not insoluble, that "given time and patience and understanding skill, they can be worked out both to the benefit of youth and our future society."

Much of what appears in this book has come to us in headlines over the past few years. But here it is presented in another way, by a man who has often helped make the news through the reports of the subcommittee of which he was chairman. He is to be commended for going on to write, with Mr. Cook, this readable, helpful book.

LUCY FREEMAN
Editorial Advisory Board
NPPA

Sex Attitudes in the Home, *Ralph G. Eckert.* Pp. 242. New York, Association Press, 1956, $3.50.

It is a rare and delightful experience to find a book written for the general public on a subject so emotionally charged which is as clear and as wise as Ralph Eckert's *Sex Attitudes in the Home*. It combines deep insight with a concrete, down-to-earth presentation of a pattern for building wholesome sex attitudes in family life.

Professor Eckert does not conceive sex merely in the narrow physical sense, but rather sees it as a constructive social force which affects every aspect of human relationships, a force to be used for social good from infancy through old age. It is in attitudes, he holds, that the character of sex life is built; beginning with child training in love, he shows by example how attitudes are built in child and adolescent. He also explores the normal patterns of growth, and makes clear how changing bodies bring changing feelings. Going on to deal with the married pair, he makes concrete and real the goal of mutuality as few writers in this field have been able to do. The author follows the course of life through to the sixties, when the "glowing coals" of love may need fanning.

This book should remove any parent's doubts of being able to handle the sex education of children honestly and frankly. *Sex Attitudes in the Home* provides a wholesome, constructive approach, frank help in accepting the facts of life, and a vocabulary suitable for instructing the child. After reading this book, he should feel little reluctance to tackle the training of his children.

This is, all in all, an excellent guidebook not only for the young parent

(who will get from it invaluable help in building in his children the attitudes which make for wholesome marriage and a wholesome life), but also for older adults.

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Individualized Justice, *Samuel H. Popper.* Pp. 59. St. Paul, Bruce, 1956, $2.

Individualized Justice is a capsule descriptive history of the juvenile court system in Ramsey County, Minnesota. Author Samuel Popper has written it for a general audience. Its initial chapter, "Humanitarian Strivings," describes the social forces which in 1899 produced a state law providing probation for youths under seventeen in the state's larger counties. The main body of the book is organized around the persons who have headed the juvenile court (two chapters) and the probation department (three chapters); innovations in structure, procedures, and aims are noted in these sections. The closing pages relate juvenile delinquency in St. Paul and Ramsey County to the larger questions of the social and psychological causes of delinquency.

C. S. Librarian, NPPA

Revue Moderne de la Police, a bimonthly journal published in French and English by the International Federation of Senior Police Officers (a nongovernmental organization attached to the UN), contains highly interesting articles on police problems in various European countries, all of them written by experts. Director of the publication is P. Villetorte, "commissaire principal" of the French Sureté and secretary-general of the I.F.S.P.O.

A typical issue is the one for November–December, 1956. It contains articles on "Preventive Police Action through Education," "The Parking Problem in Inner London," "The Drunken Driver: Proceedings Taken against Him in Norway," a report on the 1955 American Congress of Correction, and an article on the Mona Lisa and the crimes and near-crimes of forgery in which it has been involved. Also included are bibliographies, book reviews, short reports on meetings, conferences, and films involving police, and relevant police advertisements.

The *Revue* is very helpful in giving a picture of police work abroad—a general picture, it is true, but an important one in the exchange of ideas and solutions to pressing police and delinquency problems.

ARMINÉ DIKIJIAN